



211/2 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-38728-2024

Date of Decision: 10.01.2025

Amarjeet Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Pratap Singh Gill, Advocate, for the petitioner.
 Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.
 Ms. Pallavi Babbar, Advocate for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.131 dated 19.02.2024 registered under Sections 302, 120-B of IPC and Sections 25, 29 of Arms Act, at Police Station City District Karnal.

2. Learned counsel for the petitioner contends that from a perusal of the FIR (Annexure P-1), it is evident that the allegations have been primarily levelled only against Dinesh, co-accused and the petitioner was neither named in the FIR nor any role has been described to him. He further contends that except the disclosure statement suffered by co-accused, there is no other admissible evidence against the present petitioner and it has been falsely alleged that the petitioner had allegedly supplied the weapon of offence to Dinesh. He further contends that as per the case of the prosecution also, the petitioner was not even present at the place of occurrence and he has been arrested in the present case only with the aid of Section 120-B of IPC. The petitioner was arrested in the present case on 19.02.2024 and is in custody for

the last more than 10 months. He further contends that the charge in the present case has been framed on 25.07.2024 and out of 24 prosecution witnesses, no witness has been examined so far. Thus, the conclusion of the trial may take quite a long time.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had hatched a conspiracy with Dinesh, principal accused and the petition deserves to be dismissed by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. From a perusal of the FIR (Annexure P-1), it is apparent that the allegations have been levelled against Dinesh only and it has been alleged that Dinesh had fired on Shankar, since deceased due to some old enmity between the parties. No other person has been named as assailant. Even as per the admitted case of the prosecution, the petitioner had only conspired with Dinesh and there is no averment that the petitioner was present at the place of occurrence.

6. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

10.01.2025

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No