

**CRA-S-1507-2025 (O&M)**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****203(ii)****CRA-S-1507-2025 (O&M)****Date of Decision: 01.09.2025****ANIL KUMAR @ KALU****... APPELLANT****VERSUS****STATE OF HARYANA AND ANR****... RESPONDENTS****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL****Present:- Mr. Keshav Pratap Singh, Advocate for the appellant.****Mr. Tapan Masta, Addl. Advocate General, Haryana.****H.S. Grewal, J.(Oral)**

1. The present appeal has been filed against the order dated 29.07.2024 passed by Id. Additional Sessions Judge, Fatehabad vide which the regular bail of the appellant has been dismissed in FIR No. 272 dated 16.06.2024 under Sections 201,202,302,307,506,120-B,212, 34 of IPC and and Section 25 Arms Act and Section 3(2) (v) SC and ST Act (Sections 201, 202, 302, 120-B, 212 of IPC and Section 3(2) (v) of SC/ST Act were added later on) registered at Police Station City Fatehabad District Fatehabad.

2. The case of the prosecution is that on the statement of the complainant that Sanjay and Vikas have fired her husband Balraj @ Goli while he was sitting in the car. The role of the appellant is that he helped in planning the murder of the complainant's husband by paying money amounting to Rs. 20,000/- to the accused Balraj @ Ballu, who committed the crime.



3. Learned counsel for the appellant submits that the appellant neither named in the FIR nor any specific role has been attributed to him. The appellant has been implicated on the basis of second disclosure statement of the co-accused Parveen Kumar @ Gandhi. Apart from the disclosure statement there is no evidence against the appellant. He further submits that the appellant is in custody since 21.06.2024 and trial of the case may take quite some time, therefore, no useful purpose will be served by keeping the appellant in the custody any more.

4. On the other hand, learned State counsel has filed the short reply by way of affidavit of Jagdish Kumar, HPS, Deputy Superintendent of Police, Fatehabad, Haryana and the same is taken on record. Learned State counsel has vehemently opposes the grant of regular bail to the appellant on the ground that the appellant has played an active role in the commission of offence. He further submits that out of 55 cited prosecution witnesses, only 02 witnesses have been examined so far.

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

6. Keeping in view the above submission of learned counsel and considering the custody period and the fact that trial is moving at a snail's pace as out of 55 cited prosecution witnesses only 02 witnesses have been examined so far, the continuous detention of the appellant would not serve the ends of justice. Moreover, the rule is bail and rejection is exception. Hence, this Court



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deems it a fit case to grant the concession of regular bail to the appellant during the pendency of the trial.

7. In view of the above impugned order dated 29.07.2024 passed by Id. Additional Sessions Judge, Fatehabad is hereby set aside and appellant is hereby ordered to be released on bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the learned trial Court/ Duty Magistrate/ Chief Judicial Magistrate concerned.

8. Pending application(s), if any, shall also stand disposed of.

01.09.2025

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**(H.S.GREWAL)
JUDGE**

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