

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-40661 of 2014

Date of Decision: 6.1.2015

Ashok @ Mental

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr.Rakesh Nehra, Advocate for the petitioner.

Mr.Pravindra Singh Chauhan, Addl. AG Haryana for the State.

MEHINDER SINGH SULLAR , J. (Oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other main co-accused, namely, Satyender, Rahul, Tarun, Anand, Balwant, Satpal, Jagbir, Naveen and Pardeep alias Nanha etc., vide FIR No.438 dated 28.11.2011 (Annexure P1), on accusation of having committed the offences punishable under sections 148, 302, 120-B read with section 149 IPC and Section 25 of The Arms Act, by the police of Police Station Sampla, District Rohtak.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable help and after deep consideration over the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this respect.
4. What cannot possibly be disputed here is that the main allegations of commission of offence of murder are assigned to main

accused Satyender son of Satpal, Rahul & Tarun, sons of Satbir and Anand s/o Dalip (non-petitioners). Neither the name of petitioner is mentioned nor any specific role or particular part is attributed to him in the FIR. Even he was not present at the spot at the relevant time of commission of crime in question. Petitioner and his other co-accused, namely, Balwant Singh, Satpal and Rishi Pal, were subsequently involved, for having hatched a criminal conspiracy in this case on the statement of Gianwati w/o Jogender, sister-in-law of the deceased. When, how and in what manner, the petitioner has hatched a criminal conspiracy with his co-accused, remains an unfolded mystery. It is not a matter of dispute that Balwant Singh and Satpal, similarly situated co-accused of petitioner, were granted the benefit of regular bail by a Coordinate Bench (Ranjit Singh, J.) of this Court, by means of order dated 28.5.2012 (Annexure P4), rendered in CRM No. M-13462 of 2012. Sequelley, Jagbir, Naveen alias Chuhi and Pardeep alias Nanha, similarly situated co-accused of petitioner, were allowed the concession of regular bail as well, by way of orders dated 8.7.2014, 11.9.2014 and 30.9.2014 (Annexures P5 to P7), rendered in CRM Nos. M-19200, 30261 and 31909 of 2014 respectively by this court. Therefore, in that eventuality, I see no reason not to extend the same benefit of regular bail to the present petitioner as well.

5. Moreover, the petitioner was arrested on 26.3.2012. Since then, he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. Since not even a single witness has yet been examined by the prosecution, so, the final conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the totality of the facts & circumstances, emanating from the record, as indicated here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side, during the course of trial of main case, the instant petition for regular bail is accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

7. Needless to mention that, nothing observed here-in-above, would reflect on the merits in the trial of main case, in any manner, as the same has been so recorded for the limited purpose of deciding the present petition for regular bail only.

(Mehinder Singh Sullar)
Judge

6.1.2015
AS