

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Date of Decision: March 18, 2016

1. CRM M-19475 of 2015

Mungi Ram @ Sukhwinder Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

2. CRM M-29848 of 2015

Rana

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.Sanjeev Sharma, Advocate
for the petitioner in
CRM M-19475 of 2015.

Mr. P.S. Mirpur, Advocate
for the petitioner in
CRM M-29848 of 2015

Mr. C.S. Bakshi, Addl.A.G., Haryana.

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M.M.S. BEDI, J. (ORAL)

This order will dispose of two petitions bearing CRM M-19475 and M-29848 of 2015, for grant of regular bail. The FIR was registered at the instance of Narinder Singh alleging that Balraj, Raju non-petitioners, and Rana alongwith 3/4 other persons had surrounded Gurdhir Singh and caused injures to him with fire arm as a result of which he died.

Petitioner Rana is specifically named in the FIR in the statements of witnesses. He has been attributed a role of having pushed the motorcycle of the deceased. The main allegations are against Balraj and Raju of having fired at the deceased. Rana was declared innocent.

With the assistance of learned counsel for the State, I have gone through the report under Section 173 (2) Cr.P.C. Name of Rana (petitioner) was kept in column No.2, on the basis of inquiry conducted by S.P., Fatehabad. Petitioner Rana has been summoned under Section 319 Cr.P.C. on the basis of statements of PWs. Petitioner Rana has been in custody w.e.f. September 18, 2014. On account of dual version, having already cropped up, without expression of any opinion regarding the authenticity of the report of the police declaring petitioner Rana innocent, I am of the opinion that he having not been able to tamper with the evidence and having not misused liberty, can be granted the concession of bail.

So far as petitioner Mungi Ram @ Sukhwinder Singh is concerned, he is not specifically named in the FIR but was allegedly a member of unlawful assembly having accompanied Balraj, Raju and Rana

who have been specifically named and attributed role. Balraj, co-accused of petitioner Mungi Ram has disclosed the name of petitioner in his disclosure statement while in police custody. Whether the said disclosure statement of an accomplice on the basis of any corroboration could be relied upon, is a debatable issue. It is sufficient to observe that petitioner Mungi Ram has been in custody w.e.f. May 10, 2013; only three witnesses out of 33 have been examined for the last about more than two and half years have elapsed. Without expression of any opinion on merits and without intending any observation to be read for any purpose at the time of decision of the case on merits, petitioner Mungi Ram can also be granted the concession of bail.

In view of the above, both the petitions are allowed. Petitioners are ordered to be released on bail on their furnishing bail bonds/ surety bonds to the satisfaction of the trial Court subject to a condition that the petitioners will not make any attempt to tamper with the evidence in any manner.

March 18, 2016
sanjay

(M.M.S.BEDI)
JUDGE