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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.43941 of 2016
Date of Decision: 18.03.2017**

Satpal

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.49 dated 21.02.2016, registered under Sections 147/148/149/341/427/188/436/120-B IPC and Sections 3/4 of PDPP Act, at Police Station Bhuna, District Fatehabad.

Special Investigation Team was constituted by Superintendent of Police, Fatehabad on 03.03.2016/04.03.2016. Special Investigation Team investigated the case and ultimately, challan was submitted on 05.05.2016 against five accused persons namely Satpal (petitioner), Pawan Kumar, Balwan

Singh, Rakesh and Sudhir Kumar. However, investigation was still pending qua other persons involved in the case. On 08.08.2016, one Anup was arrested, though he was not named in the report under Section 173 Cr.P.C. He made a disclosure statement giving clean chit to Pawan Kumar, Balwan Singh and Rakesh. Inspector Rajesh Kumar who was also member of Special Investigation Team also recorded statements of Sandeep, Sadhu Ram, Hoshyiar Singh son of Dal Singh, Ramesh Kumar, Krishan Kumar, Hoshyiar Singh son of Surja Ram, Manphool and Hawa Singh under Section 161 Cr.P.C on 09.08.2016. The aforesaid persons also exonerated Pawan Kumar, Balwan Singh and Rakeh. The subsequent investigation was done by the aforesaid Inspector Rajesh Kumar one of the member of the Special Investigation Team. Accordingly, supplementary challan was presented on 11.08.2016 by Inspector Vimla Devi in which aforesaid Pawan Kumar, Balwan Singh and Rakesh were found innocent. However said supplementary challan was not accepted by the trial Court.

All the aforesaid three accused remained unsuccessful even before the High Court. Thereafter an application under Section 173(8) Cr.P.C was filed by the State before the trial Court which was allowed only qua other persons, but complicity of Pawan Kumar, Balwan Singh and Rakesh was not diluted.

The aforesaid Pawan Kumar, Balwan Singh and Rakesh filed an application for grant of regular bail before the Court of Sessions, where Investigating Officer got recorded her statement that she has no objection in case regular bail is granted to Pawan Kumar, Balwan Singh and Rakesh.

Learned counsel for the petitioner submitted that in the original challan filed on 05.05.2016, the role attributed to the petitioner was at par with Pawan Kumar, Balwan Singh and Rakesh. In subsequent proceedings in relation to the aforesaid three accused, the petitioner had no role to play. As on date, all the aforesaid three persons have since been granted regular bail by the Court of Sessions, therefore, petitioner also deserves to be granted the same relief on parity.

Learned State counsel on instructions from Inspector Rajesh Kumar does not dispute the factual matrix of the case, however, he opposed the bail application on the premise that grant of bail to Pawan Kumar, Balwan Singh and Rakeh should not be read in favour of the petitioner as he was one of the named person in the original challan and was not found innocent in the supplementary challan. However, this fact could not be denied that no recovery was effected from the petitioner as in case of other three accused persons. Out of 33 prosecution witnesses, 2 witnesses have been examined so far.

16.05.2017 is the date fixed for remaining prosecution evidence.

At this stage, without meaning anything on merits of the case and keeping in view the facts and circumstances of the case, I deem it appropriate to grant regular bail to the petitioner who is in custody since 04.04.2016.

Let the petitioner be enlarged on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 18, 2017.

Prince

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No