

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

206

CRM-M No.10016 of 2018

Date of Decision: May 4th, 2018

Rahul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vijay Sangwan, Advocate
for the petitioner.

Mr. Sharad Kumar Yadav, Deputy Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.305 dated 16.11.2015 registered at Police Station Nangal Chaudhary, District Mahendergarh, under Sections 148, 149, 452, 449, 302, 506, 120-B, 216, 201, 411 of the Indian Penal Code and Section 25 of Arms Act.

It is the contention of learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and that too on the basis of the disclosure statement of one co-accused Chaman. He contends that even in the disclosure statement, the role which is attributed to the petitioner, is that the petitioner had taken the accused from Hisar to Gurgaon and had left them there. He contends that even during the trial and in the statement given by complainant namely Rama Devi wife of late Shri Ram PW-10 in Court, she has neither named the petitioner nor has identified him, rather she has gone to the extent of saying that only six people had entered the room. He states that the co-accused namely Bhim Singh, who is named in the FIR, has been granted bail by this Court in CRM-M No.29756 of 2017 vide order dated 27.02.2018. Petitioner is in

custody since 26.01.2016. He further states that since the co-accused of the petitioner namely Vikram alias Papla son of Manohar Lal is not appearing in the Court, the trial is held up. He, therefore, prays that the petitioner be granted the concession of bail.

Counsel for the State, on the other hand, contends that the petitioner is the person who had facilitated the process of transportation of the accused and, therefore, is involved in the commission of the offence. He, however, could not dispute the assertions of the counsel for the petitioner that the petitioner has not been named in the statement which has been given by complainant Rama Devi PW-10 nor has he been identified by her.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner is in custody since 26.01.2016, with the co-accused having been granted the concession of bail, referred to above, the present petition is allowed.

Petitioner is granted the benefit of regular bail.

He be released on bail to the satisfaction of the trial Court.

Any observation made hereinabove shall have no effect or bearing on the merits of the case pending in any manner.

May 4th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No