

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

208

CRM-M No.10864 of 2018
Date of Decision: April 17th, 2018

Rakesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Parveen Sharma, Advocate
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.203 dated 18.05.2016 registered under Sections 302, 201, 397, 379-B, 120-B/34 IPC and Section 25 of the Arms Act at Police Station Sampla, District Rohtak.

It is the contention of learned counsel for the petitioner that the petitioner was arrested on 05.12.2016 and that too on the basis of the statement of co-accused namely Jasbir. He contends that no recovery has been effected from the petitioner except for an amount of ₹5,000/-, which is stated to be in pursuance to the disclosure statement made by him on his arrest. He contends that the allegation against the petitioner is that he, along with co-accused Parveen, had strangulated the deceased with a *parna*. He contends that out of 24 witnesses, nine witnesses have been examined and the trial is not likely to conclude soon. Petitioner is not named in the FIR and it is merely on the basis of the statement of the co-accused that the petitioner has been involved in the commission of the offence. He, therefore, prays for the concession of regular bail.

Counsel for the State, on instructions from ASI Ram Parsad,

Police Station Sampla, District Rohtak, submits that apart from the present case, there are two other FIRs against the petitioner. One is under the Excise Act and another is under the NDPS Act. He, however, could not dispute the assertions, as have been made by the counsel for the petitioner with regard to the fact that he is not named in the FIR and it is on the basis of the statement of the co-accused that the petitioner was nominated and was arrested.

Keeping in view the above facts and circumstances and also the fact that the petitioner is in custody since 05.12.2016 with nine witnesses having been examined out of 24, the trial is not likely to conclude soon and further the continuance of the petitioner in jail will not be of any use, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court.

April 17th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No