

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

**CRM-M-54483-2018
Date of decision: 17.12.2018**

Mahabir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 42 dated 19.01.2018, registered under Sections 148, 149, 302, 506, 216, 120-B of the IPC at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and as per the FIR, when the complainant along with her husband Kanwar Bhan was going on motorcycle on 18.01.2018, at about 10:15 AM, Ankur, Sandeep, Rohit, Neeraj and Joginder came in a white color Swift car bearing registration number HR-60-E-1949 and caused injuries to the husband of the complainant, namely Kanwar Bhan, who died later on. Learned counsel for the petitioner further submits that after registration of the FIR, the police recorded the disclosure statement of co-accused Ankur on 22.01.2018 in which he has not named the petitioner as one of the conspirators.

Learned counsel for the petitioner further submits that thereafter, the police recorded the second disclosure statement of co-accused Ankur on 24.01.2018, in which, the name of the petitioner surfaced with the allegations that he was present when in the office, the accused persons had conspired and the petitioner has stated that he has a licensed gun and if need be, the same can be used. It is further stated in the disclosure that on account of excessive drinking, the petitioner was left in the office along with his gun.

Learned counsel for the petitioner further submits that even as per the second disclosure of co-accused Ankur, the petitioner was neither present at the spot nor his gun was used in the incident.

Learned counsel for the petitioner further submits that one of the co-accused, namely Sumit @ Mota, has already been granted concession of regular bail, vide order dated 21.11.2018, passed by this Court in ***CRM-M-46332-2018*** (Annexure P-3)

Learned State counsel, on instructions from ASI Bijender Singh, could not dispute the factual position as submitted by learned counsel for the petitioner and has relied upon the two disclosure statements made by co-accused Ankur.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions made by learned counsel for the parties; petitioner is in judicial custody since 25.01.2018 and also in view of the fact that petitioner is not involved in any other case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing

bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

December 17, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No