

CRM-M-6695-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6695-2018

Date of Decision: 26th February, 2018

Raj Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Devinder Singh, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.163, dated 13.05.2016, registered at Police Station Sadar Sonapat, District Sonapat, under Sections 302, 120-B, 148, 149, 212, 216 and 34 of the Indian Penal Code and under Sections 25/54/59 of Arms Act.

Counsel for the petitioner contends that the petitioner is not named in the FIR and there is no active role attributed to the petitioner in the actual commission of offence nor is his connivance in any manner except that he, after the incident, had given some clothes and ₹ 10,000/- to the accused. This also, he states, on the basis of the disclosure

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statement of Rakesh @ Kala. Counsel contends that the petitioner has been falsely implicated because of the reason that he is the brother in law of Ajay @ Kannu who was the main accused in the FIR and has been shot dead in an encounter. His submission is that earlier the petitioner was declared a proclaimed offender on 21.02.2017 but he has surrendered before the trial Court on 03.10.2017 and since then, he is in custody. He also submits that co-accused of the petitioner namely Krishan Kumar, who is similarly placed as the petitioner, has been granted the benefit of regular bail by this Court in CRM-M-11932-2017, titled as 'Krishan Kumar Vs. State of Haryana', vide order dated 19.04.2017 (Annexure P-3). Prayer has, thus, been made for grant of regular bail to the petitioner.

Counsel for the State, on instructions from SI Subhash Chander, P.S. Sadar Sonapat, states that the next date of hearing before the trial Court is 01.03.2018 when the charges are likely to be framed. He further states that the petitioner is the person who had been helping the accused in run away and facilitated hiding from law and therefore, could not be granted the benefit of regular bail.

I have heard the submissions made by the learned counsel for the parties.

Keeping in view the facts that the petitioner is not named in the FIR nor has any active role been attributed to him in actual commission of offence except that he has been stated by a co-accused to be a person who had sheltered the accused and provide them some

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clothes and money, trial is not likely to conclude soon and co-accused of the petitioner namely Krishan Kumar having been granted the benefit of regular bail by this Court, the present petition is allowed, without expressing any opinion on the merits of the case and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

26th February, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No