

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-6906-2019 (O&M)
Date of Decision:-8.5.2019

Ram Gopal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dhruv Sihag, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.89 dated 11.2.2018 registered at Police Station DLF-II, District Gurugram under Sections 307/34/381 of Indian Penal Code, 1860.

The FIR was lodged at the instance of Pawan Lohia, wherein it has been alleged that his family is running a dairy, wherein they had employed one Irfan Malik. It is alleged that complainant's father usually sleeps alone at the dairy and that on 11.2.2018, when the complainant went to the dairy in the morning and opened his father's room, he found his father lying in a pool of blood and articles were lying scattered in the room. The servant Irfan Malik was found to be missing alongwith his companion. It is alleged that the aforesaid servant and his companion had caused injuries to

complainant's father and had taken away an amount of ₹3.50 lacs from the almirah lying in the room of complainant's father.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the petitioner is not named in the FIR. The learned counsel has submitted that the only evidence against the petitioner is disclosure statement made by the co-accused on 15.2.2018 but it remains unexplained as to how the petitioner came to be arrested on 13.12.2018 i.e. even before the disclosure statement of co-accused.

Opposing the petition, the learned State counsel has informed that infact the complainant himself had made a supplementary statement on 13.2.2018 naming the present petitioner and it was pursuant to the said supplementary statement that the petitioner came to be arrested and the disclosure statement subsequently made by co-accused further strengthens the case of the prosecution. It has, however, been submitted that, till date, not even a single prosecution witness out of the cited 21 prosecution witnesses, has been examined and the matter is still at the stage of considering framing of charges.

Having considered rival submissions addressed before this Court and while bearing in mind the fact that the petitioner is not named in the FIR and has been behind bars since the last about 17 months and not even a single prosecution witness out of the cited 21 prosecution witnesses, has been examined so far, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner Ram Gopal is ordered to be released on bail

subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands accepted accordingly.

8.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

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