

CRM-M-35980 of 2017

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

CRM-M-35980 of 2017
Date of Decision: 12.04.2019

Rakesh

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. J.K. Sehrawat, Advocate, for the petitioner.
Mr. Munish Sharma, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioner in a case arising from FIR No.470 dated 22.10.2016 registered under Sections 302, 303, 307, 452, 34 IPC and Section 25 of the Arms Act at Police Station Narnaund, District Hisar.

According to the prosecution, in the morning of 22.10.2016, petitioner along with his five accomplice committed murder of Arvind in front of the house of Indu at Village Madanhedi.

Learned counsel for the petitioner *inter alia* contends that petitioner has falsely been implicated in the instant case. He was not present on the spot. Petitioner was arrested in another case vide FIR No.795 dated 09.11.2016 registered under Sections 398/401 and Section 25 of the Arms Act, in which he has already been acquitted. In the instant case, he was joined in the investigation after obtaining production warrants. As per

CRM-M-35980 of 2017

disclosure statement of the petitioner allegedly recorded by the Investigating Officer, he was not found involved in committing murder of Arvind Rathor, he at the relevant point of time was standing on the outskirts of the Village. Petitioner is in custody since 09.12.2016. Co-accused of the petitioner, namely, Rajbir has already been enlarged on regular bail by this Court vide order dated 17.12.2018 passed in CRM-M-23477 of 2017. Conclusion of trial may take a sufficient long time. No useful purpose would be served by detaining the petitioner any more in jail. No recovery has to be effected from the petitioner. Treating the case of the petitioner on the same parity as that of his aforesaid co-accused, he may also be granted regular bail.

On the other hand, learned State counsel vehemently opposed the grant of regular bail to the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner is ordered to be released on bail on the same parity as that of his aforesaid co-accused, during pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

April 12, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No