

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44608-2018 (O&M)

Date of decision:24.05.2019

Rajbir @ Dhillra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Munish Dev Sharma, AAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.5 dated 03.01.2017 registered under Sections 120-B, 147, 148, 149, 216, 302, 323, 449 and 452 of IPC and Section 25 of Arms Act, 1959, at Police Station Sadar Dadri, District Charkhi Dadri.

It is contended by the counsel for the petitioner that the petitioner is not at all connected with the crime alleged against him. Even as per allegation of the prosecution, the only role attributed to the petitioner is that he has conducted recce of the spot before the crime was committed by the co-accused. However, even to substantiate this allegation, there is nothing found by the police even during the investigation. Even this allegation is levelled against the petitioner only on the basis of the alleged disclosure statement of co-accused Satish. It is further contended that the petitioner is neither related with the co-accused nor with the side of the complainant. Therefore, he has no interest in the incident as such. It is further submitted that the petitioner is in custody since 21.01.2017. There are total 34 witnesses in the case and only 7 witnesses have been examined

by now. Therefore, the trial is going to take long time. Even the co-accused of the petitioner, who was alleged to have supplied the weapon to the main assailants, has already been released on bail.

On the other hand, learned State counsel, being instructed by ASI Pawan, submits that the petitioner is involved in a heinous crime. The petitioner had conducted recce of the spot and thus assisted the assailants in commission of the crime. However, it is not denied that except the disclosure statement of the co-accused, there is no evidence with the prosecution even to substantiate this allegation against the petitioner. It is also not denied that the petitioner is in custody since 21.01.2017 and as of today only 7 witnesses have been examined out of 34 prosecution witnesses.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

24.05.2019

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No