

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

[1] Criminal Misc.-M No.45750 of 2018 (O&M)
Date of Decision: January 24, 2019.

Pardeep @ JhabbuPetitioner

versus

State of HaryanaRespondent

[2] Criminal Misc.-M No.53937 of 2018 (O&M)
Date of Decision: January 24, 2019.

Naveen alias ChurmaPetitioner

versus

State of HaryanaRespondent

CORAM: HON'BLE MR.JUSTICE GURVINDER SINGH GILL.

Present: Mr.R.S.Bains, Advocate, for the petitioner
in CRM-M No.45750 of 2018

Mr.R.S.Sheoran, Advocate, for the petitioner
in CRMN-M No.53937 of 2018.

Ms.Aditya Girdhar, AAG, Haryana.

..-

Gurvinder Singh Gill, J. (Oral)

This order shall dispose of the above mentioned two petitions filed on behalf of the petitioners seeking grant of regular bail in case FIR No.234 dated 22.05.2017 registered under Sections 302/120-B/34 IPC and 25 of the Arms Act, at Police Station Dadri Sadar, District Bhiwani.

The FIR in the present case was lodged at the instance of complainant-Rajender son of Khubhi Ram, wherein it is alleged that his nephew Jitender was witness in a murder case and the present Sarpanch Lokram, Ex-Sarpanch Jitender, Ved Pal, Maninder @ Peddy, Sukhpal, Bala

and wife of Jassu, residents of Bhagvi used to say that they will not allow Jitender to depose in murder case and will eliminate him. It is further alleged that on the day of occurrence, when deceased was standing behind liquor shop, Maninder @ Peddy and Kally @ Lok Ram and two other unidentified persons came there and fired at Jitender and killed him.

Learned counsel for the petitioners submitted that they are not named in the FIR and have been involved in the present case pursuant to the disclosure statement made by one Dara Singh @ Dhara. Learned counsel for the petitioners further submitted that even as per the disclosure statement of said Dhara, it is the co-accused Kuldeep Singh @ Lambu who had fired at the deceased. It has further been submitted that another co-accused Deepak, who was also nominated as accused on the basis of disclosure statement of Dhara, has already been granted regular bail by a co-ordinate Bench of this Court vide order dated 16.11.2018 passed in CRM-M No.16603 of 2018 (Deepak versus State of Haryana) and that in these circumstances, the petitioners deserve concession of bail on parity as well.

Learned State counsel has filed reply by way of affidavit of Dalip Singh, HPS, Deputy Superintendent of Police, Badhra, which is taken on record. Learned State counsel submitted that during the course of investigation, phone call details of Naveen @ Churma have been collected from which it is evident that he was present at the spot at the time of occurrence. Learned State counsel further submits that since co-accused has specifically nominated the petitioners to be accused in his disclosure statement, no case for grant of regular bail is made out.

Having considered rival submissions and taking into account the fact that it is mainly on the basis of disclosure statement of co-accused

that the petitioners have been nominated as accused, the admissibility and reliability of which is yet to be tested during trial and that the petitioners are behind bars since more than 1 year and three months and although challan has been filed but charges have not been framed so far and as many as 32 prosecution witnesses have been cited, no useful purpose will be served by detaining the petitioners behind the bars any further. The present petitions are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petitions stand accepted accordingly.

January 24, 2019 <i>mohinder</i>	(GURVINDER SINGH GILL) JUDGE
Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No