

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

CRM-M-22156-2019 (O&M)
Date of Decision:-20.5.2019

Naveen Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.254 dated 30.9.2018 registered at Police Station Kasola, District Rewari under Sections 302, 120-B and 34 of Indian Penal Code, 1860.

The FIR was lodged at the instance of Mohit, wherein it has been alleged that on the day of occurrence, when he went to his tubewell to untie the cattle, he found his uncle lying there in a pool of blood. It is alleged that his uncle had been caused injuries with sticks on his head. The complainant suspected that his uncle had been murdered by Lal Singh,

Gajraj, Rakesh, Gian Chand and Jaipal with whom they were having land dispute.

The learned counsel for the petitioner has submitted that it is a case of blind murder and that, in any case, the petitioner is not even named in the FIR although five persons are suspected to be the assailants. It has further been submitted that the petitioner is sought to be nominated as an accused on the basis of a disclosure statement made by another co-accused Sandeep, who was arrested on 1.10.2018.

Opposing the petition, the learned State counsel has submitted that since one of the co-accused has specifically named the petitioner, no case for grant of bail is made out.

I have considered rival submissions addressed before this Court.

It was on the basis of disclosure statement made by co-accused Sandeep that the petitioner came to be nominated. It will not be out of place to mention that even the aforesaid Sandeep was not named in the FIR, wherein five assailants have been named. The present case is based mainly on circumstantial evidence.

Since, it is the disclosure statement of co-accused on which the petitioner is sought to be nominated and the admissibility and veracity of the said disclosure statement is yet to be tested, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars especially since the petitioner has already been in custody since the last about eight months. The petition, as such, is accepted and the petitioner Naveen Kumar 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.

20.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No