

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

**CRM-M No.49748 of 2018
Decided on: 16.01.2019**

Ravinder

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Balkar Singh, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.215 dated 23.08.2017, for offence punishable under Sections 302, 307, 34, 120-B of the Indian Penal Code (in short 'IPC') and 25/54 of the Arms Act, registered at Police Station Israna, District Panipat.

Counsel for the petitioner has submitted that as per the FIR, the petitioner was not named and the version of the prosecution is that brother of the deceased – Rambir, namely Kapil had enticed away the daughter of one Rajmal. It is further stated that on 23.08.2017, the complainant received a phone call that her husband Rambir and Sachin @ Chinna have been firmed upon at their shop and in that incident, Sachin @ Chinna died at the spot.

Counsel for the petitioner has further submitted that, in

fact, the allegations are primarily against the main accused namely Mahipal @ Mallah, who is son of Rajmal that on account of enticing away his sister by Kapil, the real brother of deceased – Sachin @ Chinna, the accused persons have caused the murder of Sachin @ Chinna. It is further argued that the only allegation against the petitioner is that he was a part of conspiracy and on the basis of the disclosure statement made by other co-accused that he was one of the conspirator, he was nominated in the FIR, however, no motive is attributed towards him.

Counsel for the petitioner has also submitted that the petitioner is in custody since 12.09.2017 and till date, no prosecution witness has been examined and all the other accused persons including Mahipal @ Mallah, have already been arrested.

Counsel for the State, on instructions from ASI Jitender, has not disputed the factual position but opposed the prayer for bail. It is further submitted that, in fact, Mahipal @ Mallah was arrested in some other case and was taken in custody in the present case on the basis of the production warrants. It is also submitted that the case before the trial Court is now fixed for recording the evidence of the prosecution and till date, no PW has been examined.

Without commenting anything on merits of the case, considering the fact that the petitioner was nominated in the disclosure statement of the co-accused as one of the conspirator and there is no direct motive against him and also in view of the fact that the petitioner is in judicial custody since 12.09.2017; the case before the trial Court is at the stage of recording the evidence of the prosecution and conclusion

of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

16.01.2019
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No