

S.No.217

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

CRM-M-28524 of 2019 (O&M)

Date of Decision:15.07.2019

Amardeep @ Dholia

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. V.P. Sangwan, Advocate for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Rajbir Sehrawat, J.(Oral)

CRM No.20101 of 2019

Application is allowed as prayed for.

CRM-M-28524 of 2019

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 147, 149, 302,323, 452 IPC and Section 25 of Arms Act (later on Sections 120B, 148 and 449 IPC also added) at Police Station Sadar Dadri, District Bhiwani.

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 Pradeep and Rajbir. 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 15.01.2017. 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, 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 15.01.2017 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.

July 15, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No