

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

210

CRM-M-32916-2019

Date of decision: 25.11.2019

Vinod

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sanjay Vashisth, Advocate for the petitioner.

Mr. Vivek Saini, D.A.G. Haryana.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.309 dated 06.12.2016 registered under Sections 147, 148, 149, 302, 323, 324 and 365 of the Indian Penal Code, 1860 (for short, “IPC”) and Section 25 of the Arms Act, 1959 to the petitioner who was charged under Sections 302, 323, 324, 365 and 34 of the IPC at Police Station Bawani Khera, District Bhiwani.

Notice of motion in this case was issued on 14.08.2019.

Learned State counsel has appeared and opposed the bail application.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has argued that the petitioner was not named in the FIR and has been implicated on the basis of disclosure statements made by co-accused Sunil @ Chhotu and Jitender @ Sonu. As per the reply filed by the State, the petitioner is alleged to have given *danda* blows to the deceased and to have caught

hold of the deceased who was stabbed with knife by accused Ravinder @ Chatru. Fatal injuries were not attributed to the petitioner. There is no evidence other than the disclosure statements against him. In his statement dated 21.08.2019, the complainant exonerated the petitioner. Trial is likely to take long time. Co-accused namely Ankesh and Sandeep @ Matru have already been granted regular bail vide orders dated 05.03.2019 and 23.05.2019 respectively by this Hon'ble Court. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State counsel has argued that the petitioner is accused of having actively participated in a broad daylight brutal murder of Mahesh and does not deserve the grant of regular bail.

Undisputedly, the petitioner was not named in the FIR and was implicated to have participated in the crime on the basis of disclosure statements made by his co-accused Sunil @ Chhotu and Jitender @ Sonu. No recovery was allegedly made from the possession of the petitioner. Fatal injuries on the person of the deceased are not attributed to the petitioner. In his statement dated 21.08.2019 the complainant has exonerated the petitioner. Trial is likely to take long time. Co-accused namely Ankesh and Sandeep @ Matru have already been regular granted bail by this Hon'ble Court.

Keeping in view the facts and circumstances of the case, but without discussing the facts in minute in detail and commenting on the merits of the case, I am of the considered view that the petitioner deserves the grant of regular bail.

Therefore, the petition is allowed and the petitioner is

ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Duty Additional Sessions Judge, concerned.

25.11.2019

(ARUN KUMAR TYAGI)
JUDGE

Vinay

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