

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

CRM-M-56084-2018 (O&M)

Date of Decision:- 5.3.2019

Hukam Chand

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Nagra, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of FIR No.199, dated 16.4.2018, registered at Police Station Shahabad, District Kurukshetra, under Sections 148, 149, 323, 325, 307, 302, 447, 511, 506, 120-B IPC and Section 25 of Arms Act.
- 2 The allegations, in nutshell, are that petitioner along with co-accused Randhir Singh, Vijender Singh, Gurpreet Singh, Kripal Singh, Jaspal Singh, Karam Singh, Jaswinder Singh, Varun Kumar, Hardeep Singh, Saravjeet Singh, Jasmer Singh, Angrej Singh, Gurjant Singh, Ajaib

Singh, Jaidev @ Shunty, Deepak @ Deepu, Raj Babbar, Parveen Kumar, Chhottu Ram, Kamal Kumar, Prince Maneet @ Meetu, Nitin alias Bunty, Rajanpreet Singh (CCL) along with 200-300 persons armed with deadly weapons like guns, cutters, country made pistols, sticks etc. formed an unlawful assembly and attacked the complainant and murdered Mangatdeen and Faquirian and also caused injuries to 34 persons, including injuries caused to Asmat Ali which have been declared as dangerous to life and to Deen Mohammad, Khursheed Ali, Sohan Lal and Angoori, who had sustained 'grievous injuries'.

3. Learned counsel for the petitioner has submitted that he has been falsely implicated in the present case and that he has retired from Army after having put in 26 years of unblemished service and is presently working as a security guard with HDFC Bank and that in fact even on the day of occurrence he was on duty in the bank. Learned counsel in this regard has drawn the attention of this Court to the attendance register annexed with the petition as Annexure P-2.
4. Opposing the petition, learned State counsel has submitted that the petitioner was nominated as an accused on the disclosure statement made by Gurjant Singh and bearing in mind the enormity of the offence and the fact that a larger number of persons have been caused injuries, no case for grant of bail is made out. It has however been informed that the petitioner has been behind bars since the last about 10 months and the matter is now fixed for 15.3.2019 for framing of charge. It has also been informed that there are as many as 83 prosecution witnesses to be examined.

5. Having regard to the facts and circumstances of the case and bearing in mind the fact that the petitioner is not named in the FIR and is stated to be on duty in the bank as a security guard and has been behind bars since the last 10 months and also that the trial in its normal course is not likely to be concluded in immediate future given the fact that there are 83 cited PWs, the petition, as such, is accepted and petitioner-Hukam Chand is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
6. This petition stands accepted accordingly.
7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

March 5, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No