

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

CRM-M-1261-2020

Date of decision: 10.06.2020

AVTAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. B.S. Tewatia, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in
Virtual Court)*

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.304 dated 11.8.2017 under Sections 147, 149, 302 IPC (Section 120-B IPC added later on) at Police Station Tauru, District Mewat (Nuh).
2. The FIR was registered at the instance of Deepak wherein it has been alleged that on 10.8.2017 at about 10 p.m. he saw 7-8 young boys who had come on 3-4 motorcycles and who started consuming liquor in a vacant plot near his house. After consuming liquor they entered into a quarrel with each other and during the said quarrel they were calling the names of some of them as Saddam and Sandeep. It is alleged that one of the boy who had been given beatings ran away from the vacant plot while

6-7 persons followed him surrounded him and again gave beatings to him and as a result of which the said boy fell unconscious, thereafter the boys who had given beatings fled away from the spot on their motorcycles. The said injured succumbed to his injuries.

3. Learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and has been nominated as an accused on the basis of disclosure statement made by Saddam son of Hasan and on the basis of a statement made by Shabudin. Learned counsel for the petitioner has submitted that in any case the complainant Deepak has been examined as PW-4 and has not supported the case of prosecution and had in fact even Shabudin who has been examined as PW-7 has not stated categorically against the petitioner.
4. Opposing the petition, learned State counsel has submitted that the petitioner has been duly identified by PW-11 Nawab and that keeping in view the antecedents of the petitioner who stands involved in 11 other cases, no case for grant of bail is made out. It has however been informed that the petitioner has been behind bars since 18.9.2017 and as on date 11 PWs out of cited 22 PWs have been examined.
5. I have considered rival submissions addressed before this Court.
6. Since the complainant could not identify the accused, the prosecution seeks to establish its case mainly on circumstantial evidence. The petitioner in any case has been behind bars for a considerable period of more than 2 years and 6 months. Although the petitioner is stated to be involved in several other cases, but in view of the aforesaid position

wherein the petitioner has been in custody for a considerable period, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to take some time.

7. The petition, as such, is accepted and the petitioner 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.

10.06.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No