

Sr.No.222

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

**CRM-M-4778-2020
Date of decision:07.02.2020**

Rohit @ Bholu

... Petitioner(s)

versus

State of Haryana

... Respondent (s)

Coram: Hon'ble Mr. Justice Jaspurpreet Singh Puri

Present: Mr. Manish Soni, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Jaspurpreet Singh Puri, J.(Oral)

Present petition has been filed for seeking regular bail in FIR No.531, dated 28.09.2018 for the offences punishable under Sections 148, 149, 201, 302, 364, 120-B IPC registered at Police Station Sector 9-A, District Gurugram.

Learned counsel for the petitioner has *inter alia* submitted that in the present case the petitioner was not named in the FIR and as per the allegations contained in the FIR, some boys came on motor cycle and abducted the son of the complainant and ultimately on beating he had died. He has further argued that in the present case even on the statement of the complainant the petitioner has not been identified whereas 04 other persons have been identified namely, Manish, Ankit, Raja and Harsh. He has further submitted that petitioner is in custody since 28.09.2018 and the investigation process has already been completed. Charges had been framed on 17.01.2019 and the case is fixed for prosecution evidence. Prosecution process is going very slow and is likely to take some time. He

has further submitted that he has been falsely roped in as there is no evidence against the petitioner. He has also submitted that one of the main co-accused who has been identified namely, Manish has already been granted bail by the learned Trial Court.

Per contra, learned State counsel on instructions from ASI Jagtar Singh states that it is not disputed that one of the main co-accused who was identified as Manish was granted bail by the learned Trial Court and it is also not in dispute that the petitioner is in custody since 28.09.2018, charges were framed about one year ago, case is now fixed for prosecution evidence, out of total 44 witnesses only 04 have been examined and the witness in the present case who had named the petitioner, who is an accused in some other case, has not come forward to depose before the Court and warrants have been issued qua him. Therefore, learned State counsel has opposed the grant of bail.

I have heard the learned counsel for the parties and after perusing the available record, it transpires that petitioner is in custody since 28.09.2018 and he was not named in the FIR nor he was identified by the complainant on identification but the allegation against the petitioner is that he was named by one of the eye witness namely, Akhil who himself has not deposed before the learned Trial Court despite the fact that charges in the case were framed one year ago and trial had commenced long back. It has also been brought to the notice that there is no other case pending against the petitioner.

Keeping in view the above facts and without expressing any opinion on the merits of the case, the present petition is allowed. After considering the totality of the circumstances of the case, this Court is of the

considered opinion that it would be in the interest of justice, to admit the petitioner to bail. Petitioner is granted the concession of regular bail. He be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

7th February, 2020
Shivani Kaushik

[JASGURPREET SINGH PURI]
JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*