

CRM-M-13515 of 2020

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

CRM-M-13515 of 2020

Date of Decision: 12.06.2020

Rakesh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ajay Kumar Dahiya, Advocate,
for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'regular bail', under the provisions of Section 439 of the Cr.P.C. upon FIR no.93, dated 08.03.2019, having been registered against him, alleging therein the commission of offences punishable under Sections 302, 120-B, 449 read with Section 34 of the IPC as also 25 of the Arms Act, 1959.

Learned counsel for the petitioner submits that the petitioner has been in custody since April 16, 2019, with the only allegation against him being that he informed the two persons who shot the deceased (as per the case of the prosecution), that their grand-father was present at home, after which they came and shot him.

Mr. Chahar, learned DAG, Haryana, submits that the petitioner and one of the co-accused are grandsons of the deceased, and it was upon the petitioner disclosing that the grand-father was at home, that the other co-accused came and shot the grandfather, after which the petitioner is stated to have gone alongwith them on the same motorcycle, away from the spot.

He therefore submits that the petitioner being a part of the conspiracy, does not deserve the concession of bail.

Upon query, he and learned counsel for the petitioner both submit that no prosecution witness has been examined so far, with the charge to be framed on July 08, 2020.

Having considered the matter, without making any comment whatsoever on the merits of the case, but seing the fact that even as per the case of the prosecution the petitioner is not stated to be the one who has actually shot the grandfather, and at this stage at least the allegation is that he went way on the same motorcycle, which learned counsel for the petitioner denies, further keeping in view the fact that not a single witness has been examined so far despite the fact that the petitioner has been in custody for more than 13 months, the petition is allowed, with the petitioner ordered to be admitted to bail to the satisfaction of the trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

June 12, 2020
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.