

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

CRM-M-14141-2020 (O&M)
Date of Decision:- 19.6.2020

Naveen alias Seetu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rakesh Kumar Lathwal, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana,
assisted by ASI Naresh Kumar.

*(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 seeks grant of regular bail in case registered vide FIR No.259, dated 10.10.2017, Police Station Barauda, District Sonipat, under Sections 302 IPC, 120-B (added lateron), 34 IPC and Section 25 of Arms Act.
2. The FIR was registered at the instance of Dhanraj wherein he has stated that they are 5 brothers namely Rambhaj, Baljeet, Jai Singh,

Dhanraj (complainant himself) and Dharam Singh. It is alleged that on the day of occurrence i.e. on 10.10.2017 when he along with his nephew Rakesh were going on motorcycle, they were waylaid by three young boys who came there on motorcycle and two of them started beating Rakesh while one of them held him aside and threatened that he would shoot him in case he made any noise. It is further alleged that the other two boys fired at his nephew Rakesh killing him at the spot. While leaving, the said boys said that they had taken revenge of Satbir's death.

3. Learned counsel for the petitioner has submitted that he is not named in the FIR and came to be nominated subsequently on the basis of a disclosure statement made by co-accused. It has further been submitted that since an identically situated co-accused namely Ashish has already been granted bail vide order dated 25.2.2020 (Annexure P-1), the petitioner also deserves concession of bail on the ground of parity.
4. Opposing the petition, learned State counsel has submitted that in the present case it is the complainant himself who had made a supplementary statement to the effect that the petitioner along with Vikas and Saurav had conducted recce of the area where the incident took place facilitating the commission of crime and that in these circumstances no case for grant of bail is made out. Learned State counsel upon instructions from ASI Naresh Kumar has submitted that the petitioner is not involved in any other case and that as on date not even a single PW out of the cited 27 PWs has been examined.

5. I have considered rival submissions addressed before this Court. Keeping in view the fact that the petitioner is not stated to have caused any injury to the deceased and is not even stated to be present at the spot and the role attributed to him as per supplementary statement is that he had conducted recce of the area before hand and while also noticing that the petitioner has been behind bars since the last more than 2 years and 8 months and till date not even a single PW has been examined, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to take some time.
6. 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.

June 19, 2020
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No