

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

CRM-M-19064-2019 (O&M)

Date of Decision:- 25.2.2020

Ashish

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Himanshu Dhakla, Advocate for
Mr. Vikram Singh, 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 case registered vide FIR No.259, dated 10.10.2017, Police Station Barauda, District Sonapat, under Sections 120-B, 302 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 has been nominated as an accused on the basis of disclosure statement made by co-accused Pawan who himself was named in as an accused in the supplementary statement made by the complainant on the same day.
4. Opposing the petition, learned State counsel has submitted that during the course of investigation and on the basis of a disclosure statement made by co-accused Pawan, it is borne out that the petitioner had conducted recce of the area facilitating the other accused to attack the deceased leading to his death. It has thus been submitted that in these circumstances no case for grant of bail is made out. It has however, been informed that the petitioner has been behind bars since the last more than 2 years and 4 months and that the petitioner is however involved in one more case registered for offences under Sections 294, 241 and 506 IPC. It has further been informed that out of the cited 22 PWs not even a single PW has been examined till date.
5. I have considered rival submissions addressed before this Court. Without commenting upon merits of the case and while noticing

that the petitioner has been suffering incarceration since the last about 2 years and 4 months and that conclusion of trial is likely to take more time as not even a single PW has been examined till date, further detention of the petitioner will not serve any useful purpose. The petition, as such is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

February 25, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No