

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

CRM-M-17169-2020 (O&M)

Date of Decision:- 2.7.2020

SUMIT

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Satyawan Singh Nain, Advocate
for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

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

GURVINDER SINGH GILL, J.

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 Rambhaji, 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 the petitioner has been falsely implicated in the present case and that he came to be nominated on the basis of a supplementary disclosure statement made by the complainant-accused Dhanraj. It has further been submitted that since an identically situated co-accused namely Ashish & Naveen alias Seetu have already been granted bail vide orders dated 25.2.2020 (Annexure P-1) & 19.6.2020 (Annexure P-2), 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 disclosure statement nominating the accused 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 was arrested on 17.10.2017 and since then he is in custody.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the petitioner has been nominated as an accused only on the basis of supplementary disclosure statement made by the complainant and while also noticing that the petitioner has been behind bars since the last more than 2 years and 8 months, 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.

2.7.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No