

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

CRM-M-23686-2020 (O&M)
Date of Decision: 27.11.2020

Rameshwar

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Tanmoy Gupta, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.
assisted by SI Dalbir Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.650, dated 29.08.2018, at Police Station Sadar Palwal, District Palwal, under Sections 302, 34 IPC.
2. The FIR in question was registered at the instance of one Yogesh, wherein it has been alleged that on 29.08.2018, a crowd had gathered on NH-2 Service Road on the occasion of Budi Teej and wrestling (dangal) had been organized. When he went to the spot on seeing the crowd, he saw one truck was parked there and one dead body was lying nearby in a ditch, which was found sustaining injuries on head and stomach. There was blood stain on the seat of the truck. The aforesaid information was, thus, recorded and FIR came to be lodged.

3. It is further the case of the prosecution that during the course of investigation, Rahul Rana was arrested, who suffered a disclosure statement to the effect that he had a dispute with Dinesh and on account of which he had decided to eliminate him. It is alleged that on 27.08.2018, one Kanhaiya, who was brother-in-law of Dinesh and who was known to said Rahul Rana, asked him to drive a truck along with Dinesh, which was to be taken to Shahdara in Delhi. The aforesaid Rahul disclosed that he accordingly took the truck to Mathura where he called Rameshwar (petitioner), who had earlier been working with him as conductor and thereafter proceeded towards Shahdara. On the night of 28.08.2018, they all consumed liquor. Rahul disclosed that he hit thrice on Dinesh's head with tyre lever rod and when Dinesh was slipping down from the truck, Rameshwar held him by his feet and said Rahul stabbed 3/4 times in Dinesh's abdomen resulting into his death.
4. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused on the basis of a disclosure statement made by co-accused Rahul, who is alleged to have stabbed the deceased and that the admissibility of such statement would be debatable. It has further been submitted that the petitioner in any case has been behind bars since the last more than two years and as such deserves the concession of bail.
5. Opposing the petition, learned State counsel has submitted that since the name of the petitioner specifically figures in the disclosure statement made by the main accused Rahul, no case for grant of bail is made out.

6. I have considered rival submissions addressed before this Court. It is not disputed that the petitioner has been nominated on the basis of disclosure statement made by co-accused, the veracity and admissibility of which would be debatable. In any case, even as per the disclosure statement, it is the co-accused Rahul, who had stabbed the deceased resulting into his death. The petitioner in any case has been behind bars since for the last more than two years. The trial in its normal course is not likely to be immediately concluded especially in the present times of spread of pandemic. The petitioner is not stated to be involved in any other case. As such, the petition 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.

(GURVINDER SINGH GILL)
JUDGE

27.11.2020

Vimal

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**