

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

CRM-M-22833 of 2019 (O&M)

Date of decision: March 13, 2020

Vinod Saini

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Ms. Harsh Rekha Kapoor, AAG, Haryana.

HARINDER SINGH SIDHU, J.

This is a petition for grant of bail in case FIR No.234 dated 22.05.2017 under Sections 302/120-B/34 of the Indian Penal Code and Section 25 of the Arms Act, registered at Police Station Dadri Sadar, District Bhiwani, Haryana.

The FIR was lodged on the statement of one Rajender son of Khubhi Ram with the allegations that his nephew Jitender was witness in a murder case and the present Sarpanch Lokram, Ex-Sarpanch Jitender, Ved Pal, Maninder @ Peddy, Sukhpal, Bala and wife of Jassu, residents of Bhagvi used to say that they will not allow Jitender to depose in murder case and will eliminate him. It is further alleged that on the day of occurrence, when deceased was standing behind liquor shop, Maninder @ Peddy and Kally @ Lok Ram and two other unidentified persons came there and fired at Jitender and killed him.

It is argued on behalf of the petitioner that he was not named in the First Information Report. His name surfaced in the disclosure statements made by Kuldeep @ Lambu and Dara @ Dhara. It is submitted that even as per the disclosure statement, it is co-accused Kuldeep Singh @ Lambu who had fired at

the deceased. The conspiracy to commit the crime is alleged to have taken place

at the house of the petitioner.

Ld. Counsel for the petitioner submits that other co-accused Deepak, Pardeep @ Jhabbhu and Naveen @ Churma, who were also nominated as accused on the basis of disclosure statement of Dhara, have already been granted regular bail by co-ordinate Benches of this Court vide order dated 16.11.2018 passed in CRM-M-16603-2018 and order dated 24.01.2019 passed in CRM-M-45750-2018 and CRM-M-53937-2018 and that in these circumstances, the petitioner deserves concession of bail on parity as well.

Learned State counsel submits that since co-accused has specifically named the petitioner to be accused in his disclosure statement, no case for grant of regular bail is made out.

Having considered the facts and circumstances of the case and also taking into account that it is mainly on the basis of disclosure statement of co-accused that the petitioner has been nominated as accused, the admissibility and reliability of which is yet to be tested during trial; the petitioner is behind bars since 07.09.2018, this petition is allowed.

Bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

March 13, 2020

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No