

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

(I)

CRM-M-26409-2020 (O&M)

Date of Decision:- 14.10.2020

Ankur

... Petitioner

Versus

State of Haryana

... Respondent

(II)

CRM-M-30600-2020 (O&M)

Hardeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Tejinder Pal Singh, Advocate,
for the petitioner in **CRM-M-26409-2020**.

Mr. Parveen Sharma, Advocate,
for the petitioner in **CRM-M-30600-2020**.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Pardeep Kumar Sehrawat, Advocate,
for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Ankur and Hardeep, have approached this Court seeking grant of regular bail in respect of a case registered against them vide FIR No.195, dated 1.8.2019, Police Station Israna, District Panipat, under Sections 302, 148, 149 IPC and Section 25 of Arms Act.
2. The FIR came to be registered at the instance of Bintu (brother of deceased Kuldeep @ Deepa) who alleged that on 31.7.2019 when he was talking to his brother while standing in the street in front of their house, then his brother received a telephone call and the caller started hurling abuses to his brother. When the complainant asked his brother as to who was the said caller, his brother replied that the said caller was Sonu of Village Ganjbarh. Thereafter the complainant along with his brother went towards '*sabzi mandi*' on his motorcycle where they were waylaid by some young boys who came there on motorcycles. It is alleged that one of the boys exhorted his companions to catch hold of his brother and to eliminate him upon which another boy inflicted a knife blow in the abdomen of complainant's brother while other gave kicks and fist blows. The complainant's brother upon receipt of knife blow started bleeding profusely. Although the complainant's brother was taken to hospital but he succumbed to his injuries.
3. Learned counsel for the petitioners have submitted that they have been falsely implicated in the present case and that they are nowhere

named in the FIR and have subsequently been nominated in the disclosure statements made by co-accused.

4. Opposing the petition, the learned State counsel, assisted by learned counsel for the complainant has submitted that since the co-accused Jagminder who had given a fatal blow with knife to the deceased had suffered a disclosure statement admitting his guilt and while also nominating the petitioner Ankur as his accomplice, no case for grant of bail to Ankur is made out. The learned State counsel has further pointed out that Sonu, Deepak and Sunny @ Kajal had suffered disclosure statements nominating the petitioner Hardeep as their co-accused and as such said Hardeep is also not entitled to grant of regular bail. Learned State counsel, upon instructions from SI Suresh Kumar has however, informed that both the petitioners have been behind bars since the last more than one year and that challan already stands presented and till date not even a single PW out of the cited 18 PWs has been examined.
5. I have considered rival submissions addressed before this Court. It is not disputed that none of the petitioners is named in the FIR and they have been nominated as accused on the basis of disclosure statements made by co-accused. The admissibility and veracity of such disclosure statements would be debatable. In any case since the petitioners have been behind bars since the last more than one year and challan already stands presented and they are not even stated to be involved in any other case and in fact the an identically situated co-accused namely Sunil @ Sukha has already been granted bail, the

petitioners also deserves to be released on bail as their further detention would not serve any useful purpose since the conclusion of trial is likely to take time. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

October 14, 2020
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No