

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

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CRM-M No.34152 of 2020 (O&M)
DATE OF DECISION : 16th DECEMBER, 2020

Sahil @ Sahil Rod

.... Petitioner

Versus

State of Haryana

.... Respondent

CRM-M No.35340 of 2020

Ankit Kamboj

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present: Mr. Aman Pal, Advocate for the petitioner-Sahil Rod.
 Mr. Pankaj Bali, Advocate for the petitioner-Ankit Kamboj.
 Ms. Kirti Singh, DAG, Haryana.

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RAJBIR SEHRAWAT, J. (Oral)

This order shall dispose of aforesaid two petitions.

The present third petition by petitioner Sahil @ Sahil Rod
and second petition by petitioner-Ankit Kamboj have been filed under
Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.1215
dated 13.12.2017 registered under Sections 148, 149, 302 & 307 IPC;
Section 25 of the Arms Act and Section 3 of the SC/ST Act, 1989

(offence under Section 34, was added later on) at Police Station Sadar Karnal, District Karnal.

It is contended by the counsel for the petitioners that the petitioners were not even named in the FIR. The persons named by the complainant in the first version were declared innocent by the police. Thereafter, in the disclosure statement of the co-accused the names of the petitioners were brought into the picture. Even as per the case of the prosecution, according to the disclosure statement of the co-accused, the petitioners are only alleged to have caught hold of the deceased and no injury is attributed to either of the petitioners. It is further submitted that even during the trial the witnesses of the prosecution have changed the version from the one given in the disclosure statement as well. Still further, it is submitted that one of the co-accused of the petitioners, who was originally alleged to have caught hold of the deceased and alleged to have caused injury to the eye-witnesses, have been granted bail pending trial by this court. The counsel have further submitted that the petitioners are in custody since January, 2018. They are not required for any investigation purposes. Since, only 9 witnesses have been examined out of 25 witnesses, the trial is likely to take long time. Otherwise also, the main witnesses of the prosecution have already been examined and there is no possibility of the petitioners tempering with the evidence of the prosecution. It is also submitted that there is no other case against either of the petitioner.

On the other hand, the learned counsel for the State, on instructions from ASI Abhey Ram, has submitted that there are specific allegations against the petitioners qua having participated in the crime. It is further submitted that the recovery of the motorcycle used in the crime was effected from the petitioner-Sahil Rod and the petitioner-Ankit

Kamboj had identified the place of occurrence. However, it is not disputed that the petitioners were not named in the FIR. It is also not disputed that they are not attributed any injury to any person and that their role is restricted to catching hold of the deceased, even as per the best case of the prosecution. Still further, it is not disputed that the co-accused of the petitioners has been released on bail by this court and that only 9 witnesses, including the main witnesses of the prosecution, have been examined out of total 25 witnesses. The counsel for the State has also not disputed that there is no other case against the petitioners.

In view of the above, but without expressing any further opinion on the merits of the case, the present petitions are allowed. The petitioners are ordered to be released on bail pending trial subject to their furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

16th DECEMBER, 2020
‘raj’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>