

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35689 of 2019 (O&M)

Date of Decision : 15.10.2020

Naresh

...Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bijender Dhankhar, Advocate
for the petitioner.

Mr. Naveem Kumar Sheoran, DAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

CRM-22358 of 2020

As prayed for, application is allowed.

CRM-M-35689 of 2019

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.256 dated 02.11.2018 under Sections 147, 148, 149, 302, 307, 323 of IPC and Section 25 of the Arms Act, 1959 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Uklana, District Hisar.

Learned counsel for the petitioner argues that the petitioner was not named in the FIR but, had only been roped in on the basis of the

disclosure statement of co-accused namely, Mandeep. Learned counsel for the petitioner submits that the disclosure statement of the co-accused, namely Mandeep is yet to be proved in the Court of law so as to find the petitioner guilty of the allegations alleged in the FIR. Learned counsel for the petitioner submits that the petitioner is already behind the bars for the last more than one and a half years and as no weapon was attributed to the petitioner, and, keeping in view the situation which has been created due to the pandemic of Covid-19, petitioner may be granted the benefit of regular bail.

Mr. Naveem Kumar Sheoran, DAG, Haryana, who has joined the proceedings through video conference submits that in the FIR, it was clearly mentioned that apart from the accused, who were named in the FIR, there were other two accused, who were accompanying them and could be identified by the victim, if produced before the complainant. Learned State counsel further submits that petitioner has already been identified by the complainant while being examined and, therefore, the grant of bail to the petitioner, at this stage, can also influence the trial.

I have heard learned counsel for the parties and have perused the record with their able assistance.

The allegations which are alleged in the FIR are serious in nature. As per the allegations in the FIR, the role attributed to the two unknown accused was of holding the victim at the time when the victim was stabbed. These unknown accused, were identified keeping in view the disclosure statement of a co-accused namely, Mandeep, The petitioner has already been identified by the complainant, which fact is conceded by the learned counsel for the petitioner. Once, the victim was held by the

petitioner, which facilitated the stabbing, the petitioner cannot claim that as no weapon was attributed to him, he has no role to play in the incident.

Keeping in view the above, no ground is made out to grant the benefit of regular bail to the petitioner.

Dismissed.

October 15, 2020
aarti/naresh k.

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No