

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M No. 54178 of 2019(O&M)

Date of decision : July 27, 2020

(Through Video Conferencing)

Surender @ Jhanda

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Vikas Bhardwaj, AAG., Haryana.

Manjari Nehru Kaul, J (oral).

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioners, in case FIR No. 115 dated 12.5.2016 under Sections 302,201,364,212,34 IPC and Section 25,54,59 of Arms Act, 1959 registered at Police Station Barwala, Hisar, District Hisar.

Learned counsel for the petitioners contends that the petitioner was nominated as an accused in the FIR only on the basis of statement given by co-accused Sunil before the police wherein he allegedly confessed that he and the petitioner conspired to kidnap the deceased Ram Mehar and thereafter eliminated him. He further contends that since it is a case resting on circumstantial evidence however no motive has been alleged qua the petitioner for committing crime in question. Moreover, the dead body of the deceased has not been recovered till date, hence the alleged recovery of country made fire arm which was shown to have been recovered from the petitioner could not be linked with the crime in question. He further contends that the main accused Sunil who was named in the FIR has already

been extended the concession of regular bail vide order dated 21.9.2018 by this Court.

Per contra, learned State counsel on instructions from ASI Rohtash while opposing the submissions made by learned counsel for the petitioner has apprised this Court that out of total 38 prosecution witnesses cited, 29 witnesses already stand examined and main accused Sunil against whom also there are criminal cases registered has since been granted the concession of regular bail.

Heard.

In view of the submissions made by learned counsel for the petitioner and keeping in view the fact that the petitioner has been in custody since 2.1.2017 and the trial is unlikely to conclude in the near future, I deem it a fit case to grant the concession of regular bail to the petitioners. Therefore, without expressing anything on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the trial court/Duty Magistrate.

(MANJARI NEHRU KAUL)
JUDGE

July 27, 2020
archana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No