

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

208

CRM-M-8815-2021

Date of Decision: 01.07.2021

Bhagat Singh @ Bhagtu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. R.S.Mamli, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana assisted by ASI Surender.

Mr. Arjun Lakhanpal, Advocate, for the complainant.

*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0168 dated 13.06.2020 at Police Station Hansi Sadar, District Hansi, Haryana under Section 147/148/149/302 IPC (Section 120-B IPC was subsequently added).
2. The FIR in question was lodged at the instance of Rajesh Kumar, wherein it is alleged that about 4 months back, Mandeep and Amit had entered into an altercation with his brothers and had given beatings to his brother Suresh, but the matter was subsequently compromised. However, Amit and Mandeep had been threatening his brother that they will not spare him. It is alleged that on 12.06.2020 at about 8:30 PM, he along with his brother Suresh

went towards their fields after having meals. While on the way, they saw Mandeep, Amit, Bhagta son of Rajinder, Bhupender @ Kali son of Rajinder and Sunil accompanied by 2-3 other boys, who were inebriated and were carrying rods, sticks and axes in their hands. While the complainant's brother stayed in the fields situated near the village, the complainant proceeded towards their other fields which are about 10-12 killas away and slept there. On the next day, when the complainant came to their fields near the village, he saw the dead body of his brother lying there on a cot, which bore several injuries on his head and feet and there was blood all around. The complainant suspected that Mandeep, Amit, Bhagta, Kali, Sunil and 2-3 other boys had murdered his brother.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and that Bhagta, as mentioned in the FIR, is a different person with a different parentage and that while the petitioner is Bhagat Singh son of Balwant Singh, the person mentioned as Bhagta in the FIR is Bhagat Singh son of Rajinder Singh.
4. It has further been submitted that the petitioner came to be nominated subsequently on the basis of a disclosure statement allegedly made by co-accused Raj Kumar. It has further been submitted that even as per the said disclosure statement (Annexure P-3), the petitioner is attributed fist blows and kicks only.
5. Opposing the petition, learned State counsel has submitted that since the petitioner has specifically been named in the disclosure statement made by co-accused, no case for grant of bail is made

out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 11 months and that he is not wanted in any other case. It has further been informed that as on date only 1 PW out of cited 26 PWs has been examined.

6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that the petitioner is not specifically named in the FIR and came to be nominated subsequently on the basis of a disclosure statement of the co-accused. The petitioner, in any case, has been behind bars since the last more than 11 months and is not even stated to be involved in any other case. The conclusion of trial is likely to consume time as till date only 1 PW out of cited 26 PWs has been examined. In these circumstances, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

01.07.2021

VY /Vimal

(GURVINDER SINGH GILL)
JUDGE

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