

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

CRM-M-10271-2021 (O&M)

Date of Decision:- 14.12.2021

Sourabh alias Sonu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Kumar Lathwal, Advocate with
Mr. Man Mohit Malik, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Surinder.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.259, dated 10.10.2017, Police Station Barauda, District Sonipat, under Sections 302, 34 IPC and Section 25 of Arms Act (Section 120-B IPC added later on).
2. The FIR was registered at the instance of Dhanraj, wherein he has stated that they are 5 brothers namely Rambhaj, Baljeet, Jai Singh, Dhanraj (complainant himself) and Dharam Singh. It is alleged that on the day of occurrence i.e. on 10.10.2017 when he along with his

nephew Rakesh were going on motorcycle, they were waylaid by three young boys, who came there on motorcycle and two of them started beating Rakesh while one of them held him aside and threatened that he would shoot him in case he made any noise. It is further alleged that the other two boys fired at his nephew Rakesh killing him at the spot. While leaving, the said boys said that they had taken revenge of Satbir's death.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and came to be nominated as an accused on the basis of disclosure statements allegedly made by co-accused Shivtaj, Somvir and Pawan. Learned counsel has submitted that several of the co-accused namely Naveen, Sombir, Sumit, Ashish and Shivtaj have already been granted bail and in these circumstances the petitioner also deserves the concession of bail on the ground of parity.
4. Opposing the petition, learned State counsel has submitted that the petitioner cannot claim parity with the co-accused inasmuch as he has been found to be the one who had shot at the deceased. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 4 years and that not even a single PW out of the cited 34 PWs has been examined till date. It has also been informed that the petitioner also happens to be involved in one more case under Section 302 IPC.
5. Learned counsel for the petitioner while replying to the assertions of the learned State counsel that the petitioner stands involved in FIR

No.134 has stated categorically that he stands acquitted in the said case and has specifically stated so in para No.16 in the petition.

6. I have considered rival submissions addressed before this Court.

7. It is not in dispute that the petitioner is not named in the FIR and came to be nominated on the basis of disclosure statement of co-accused, the admissibility and veracity of which would be debatable. In any case, the petitioner has been behind bars for a substantial period of more than 4 years. Conclusion of trial is likely to take time as not even a single PW out of the cited 34 PWs has been examined till date. In these circumstances, further detention of the petitioner will not serve any useful purpose. 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.

14.12.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No