

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

CRM-M-13428-2021 (O&M)
Date of Decision:-23.7.2021

Azad Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Baljeet Nain, Advocate for the petitioner.

Mr. Vishal Kashyap, AAG, Haryana,
assisted by ASI Surender.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. This is the second petition filed on behalf of the petitioner seeking grant of regular bail in respect of a case registered vide FIR No.221 dated 26.9.2020 at Police Station Sadar Tohana, District Fatehabad under Sections 379-A and 34 of Indian Penal Code, wherein offence under Sections 379-A IPC was deleted and offences under Sections 379-B and 201 IPC were added later on.
2. The FIR was lodged at the instance of Kuldeep Singh, wherein it is alleged that on 25.9.2020 when he was proceeding on his motorcycle from Tohana to Akanwali after finishing his work, then 4 boys, who were going on a

motorcycle stopped him and asked him to give lift to one of the boys till Jamalpur. The complainant acceded to their request and gave lift. However, the said boy, who was sitting on the pillion seat of his motorcycle later asked him to stop the motorcycle on the ground that his slipper had fallen down. When the complainant stopped the motorcycle, the other 3 boys on the other motorcycle, also came there and they all assaulted him and snatched his motorcycle and also his mobile phone.

3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and has subsequently been nominated as an accused on the basis of a disclosure statement allegedly made by some co-accused.
4. Opposing the petition, learned State counsel has submitted that since the name of the petitioner was disclosed by a co-accused namely Ranjit, who was arrested, the complicity of the petitioner is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 9 months and that he is not involved in any other case. Learned State counsel has further informed that in the instant case charges are yet to be framed.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is nowhere named in the FIR and has been nominated on the basis of a disclosure statement, the admissibility and veracity of which would be debatable. The trial in the instant case is yet to commence inasmuch as even the charges have not been framed so far. The petitioner has been behind bars for a substantial period of more than 9 months and, in these circumstances, his further detention will not serve any

useful purpose as conclusion of trial is likely to consume 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.

23.7.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No