

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

211

CRM-M-14517-2021 (O&M)

Date of Decision: 20.12.2021

Sunny

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Rahul Gautam, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Sanjay Kumar.

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.588 dated 19.08.2019 at Police Station Assandh, District Karnal, under Sections 302/452/506/34/120-B IPC and Section 25 of the Arms Act.
2. The FIR was lodged at the instance of Angrezo Devi, wherein she alleged that on 19.08.2019 after she had gone off to sleep, she heard screams of '*bachao bachao*' of her son Harmeet. When she went outside, she saw three persons out of which one was wearing white coloured '*kurta payjama*' and the said three persons were dragging her son Harmeet. The person who was wearing '*kurta payjama*' had a pistol in his hand and fired a bullet on head of

Harmeet and another on his shoulder and dragged him downstairs. Her son was in a pool of blood and was thrown downstairs. It is alleged that in the meantime Rakesh Kumar and Somvir who are her neighbours and happen to be related to her came out in the street and thereafter the assailants ran away on a motorcycle parked in the street. The complainant strongly suspected that her son had been murdered by Karan Singh, Sahab Singh and Azad on account of some monetary transactions amongst them.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and is nowhere named in the FIR.
4. Opposing the petition, learned State counsel has submitted that the petitioner was named by eye-witnesses Sombir and Rakesh, who had identified the petitioner and that when the petitioner came to be arrested on 23.08.2019, he suffered a disclosure statement to the effect that he along with co-accused Varinder and Sudhir had murdered Harmeet on account of some monetary dispute. Learned State counsel has submitted that during the course of investigation, it has surfaced that while the petitioner and Sudhir had held the deceased from his arms, co-accused Varinder fired at the deceased leading to his death. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 years & 4 months and that he is not involved in any other case. It has also been informed that till date 1 PW out of cited 31 PWs has been examined.

5. I have considered rival submissions addressed before this Court.
6. There is no dispute as regards the fact that the petitioner is not named in the FIR and came to be nominated subsequently on the basis of statements made by one Sombir and Rakesh, who are stated to be eye-witnesses and had identified the petitioner. In any case, the petitioner has been behind bars for a substantial period of about 2 years & 4 months. Conclusion of trial will take some time since only 1 PW out of cited 31 PWs has been examined till date. The petitioner is not even stated to be involved in any other case. Identically situated co-accused has already been granted bail by this Court vide order dated 22.02.2021. 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.

20.12.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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