

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

CRM-M-13505-2020 (O&M)
Date of Decision:- 22.2.2021

Sudhir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Y.S.Rathore, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Sanjay Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No. 588, dated 19.8.2019, Police Station Assandh, District Karnal, under Sections 302, 452, 506, 34, 120-B IPC and Section 25 of Arms Act.
2. The FIR was lodged at the instance of Angrezo Devi wherein she alleged that on 19.8.2019 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. On the other hand, learned State counsel while opposing the petition has submitted that in the instant case one Sunny had been arrested on 23.8.2019 and who suffered a disclosure statement to the effect that he along with Varinder @ Bindra and Sudhir (petitioner) had murdered Harmeet on account of monetary dispute. It is further the case of prosecution that pursuant to the aforesaid disclosure statement the petitioner was arrested on 15.9.2019 and who confessed having participated in the crime and also got recovered the clothes which he was wearing at the time of commission of crime. Even Varinder is stated to have been arrested on 1.11.2019 and who also suffered a disclosure statement admitting his guilt. Learned State counsel has submitted that in view of the aforestated disclosure statement and the recovery of the clothes it is clearly evident that the petitioner had participated in murdering the deceased. Learned State counsel has however, informed that the petitioner has been behind

bars since the last about 1 year and 5 months and is not involved in any other case and that pursuant to the directions issued on the last date, statement of the complainant stands recorded before the trial Court.

4. I have considered rival submissions addressed before this Court.
5. It is not disputed that the petitioner is nowhere named in the FIR. It is another set of three persons who are named therein. The petitioner is stated to have been nominated on the basis of a disclosure statement made by one Sunny. The admissibility and veracity of the said statement would be debatable. In any case the petitioner has been behind bars since the last about 1 year and 5 months and is not stated to be involved in any other case. The statement of complainant already stands recorded. In these circumstances no useful purpose would be served by further detaining him behind bars particularly when conclusion of trial is likely to consume more time. The petition as such merits acceptance and is hereby accepted. The petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

February 22, 2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No