

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

CRM-M-20317-2021 (O&M)

Date of decision: 14.07.2021

Rakesh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Rajesh Dhankhar, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-19120-2021

Application is allowed as prayer for.

CRM-19126-2021

Application is allowed as prayer for. Annexure A-1 is taken on record.

Main case:

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 693 dated 06.06.2017, registered under Sections 302, 120-B, 34 IPC and Section 25 of the Arms

Act, 1959, at Police Station Panipat City, District Panipat.

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the present case. The petitioner was not named in the FIR, but was indicted on the basis of the disclosure statement of co-accused Sanjeet @ Shakti and Ashok @ Hutter. The petitioner has been in custody since 24.09.2018. The material witnesses have already been examined.

Learned counsel for the petitioner has also drawn the attention of this Court to the statement of complainant-Rajo @ Raj Devi, who, while appearing as PW-1 though specifically named co-accused, namely, Ashok @ Hutter, but did not name the petitioner. The said co-accused has already been granted regular bail, vide order dated 08.03.2021 passed by this Court.

On the other hand, learned State counsel, while vehemently opposing the prayer for bail, states that the complicity on the part of the petitioner had surfaced during the investigation, inasmuch as, the petitioner had connived with co-accused Ashok @ Hutter and Sandeep @ Pehalwan and they all had committed the murder of Satbir Singh. Mere indictment on the basis of disclosure statement of co-accused, is no ground to presume innocence on the part of the petitioner. It is further submitted that the manner in which the murder of Satbir Singh was committed and the circumstances that followed the said incident, is sufficient enough to believe the prosecution version. Still further, it is submitted that out of 51 prosecution witnesses, 46 have already been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 24.09.2018. The complainant has not named the petitioner and co-accused, Ashok @ Hutter has already been granted regular bail. Though the case is at the stage of evidence, yet the trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

14.07.2021
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No