

CRM-M-21522-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH VIDEO CONFERENCING)

CRM-M-21522-2021

Date of Decision: 17th June, 2021

Amardeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sandeep Lather, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.259, dated 18.06.2020, registered under Sections 120-B, 201, 302, 364 of the Indian Penal Code, at Police Station Meham, District Rohtak.

It is the contention of the learned counsel for the petitioner that the petitioner is not named in the FIR and his name in this case was roped on the basis of disclosure statement of co-accused Ajay. Even going by the disclosure statement of said Ajay, it is apparent that the petitioner had accompanied the other four on motor-cycle and was only present at the spot when the offence was committed. No overt act has been attributed to the

petitioner nor has it been said that any weapon was with the petitioner or he had used the same. No recovery has been effected from the petitioner. His submission is that the trial is not likely to conclude in near future especially in the light of the fact that till date, no charge has been framed despite the presentation of the challan on 22.08.2020. His assertion is that there are 21 prosecution witnesses and obviously it would take time for examination of those witnesses. Petitioner was arrested on 20.06.2020 and is in custody since then. He, therefore, prays that the present petition be allowed and the petitioner be released on bail during the pendency of the trial.

Learned counsel for the State, on the other hand, opposed the prayer of the petitioner for grant of regular bail by asserting that it is a double murder case and that too, brutal. Apart from that, he asserts that it is a revengeful act because of the marriage having been performed by the sister of the co-accused against the wishes of her family. He further asserts that the petitioner has been associated with the commission of crime as he firstly travelled on the motor-cycle along with the other co-accused and even stood there at the spot where the crime was committed. The other factual aspects which have been pointed out by the learned counsel for the petitioner could not be disputed by the counsel for the State.

Having considered the submissions of the counsel for the parties and keeping in view the fact that the petitioner is not named in the FIR and thereafter, role which has been attributed to him also is a subject matter which still have to be gone into at the stage of the trial; petitioner is in custody for almost one year and the trial as per the facts stated above with

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regard to the status thereof makes it clear that same is not likely to conclude in near future, this criminal miscellaneous petition is allowed. Petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Rohtak.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

17th June, 2021
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No