

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 22493 of 2021

Date of Decision: 19.8.2021

Rinku

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ramesh Hooda, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 201 dated 16.6.2020 under Sections 148, 149, 285, 302, 506 IPC and Sections 25, 54, 59 of the Arms Act, 1959 registered at Police Station Sadar Rohtak, District Rohtak.

Learned counsel for the petitioner submits that the complainant, brother of the deceased, has got registered the present FIR indicting Pardeep, Swaraj, Vikram, Meena and Mukesh, being assailants. On the same date, Mohit (son of the deceased) and Rajesh (cousin of the deceased) had also got their statements recorded under Section 161 Cr.P.C. on the same lines of the version recorded by the complainant in the FIR. However, after a period of 12 days i.e. on 28.6.2020, the complainant moved an application before the police while changing the place of occurrence as well as the details of the accused/assailants. In the changed version, the role attributed to the petitioner is that he was only standing near a motorcycle, but away from the place of occurrence. Learned counsel further submits that the petitioner has been in custody since 23.7.2020 and there is no other case against him.

On the other hand, learned State counsel while opposing the prayer made in the present petition, submits that the petitioner has been

involved in the present case as he conspired with the assailants and was present at the time when the occurrence took place. He further submits that in the present case, charges have not been framed yet and 26 prosecution witnesses are to be examined.

I have heard the learned counsel for the parties.

In the present case, the only allegation against the petitioner is that he hatched a conspiracy with the assailants and, thus, the occurrence in question took place, which is based on a documentary evidence. Moreover, the petitioner has been shown to be standing near the motorcycle and away from the place of occurrence.

The petitioner has been in custody since 23.7.2020. The charges are yet to be framed and 26 prosecution witnesses are to be examined. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

August 19, 2021
Gurpreet

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