

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20255-2020 (O&M)

Date of decision : 05.04.2021

Naveen @ Bholu

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Ms. Sheenu Sura, DAG, Haryana
assisted by SI Rajbir Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J (ORAL)

CRM-8847-2021

Application for placing on record Annexures P-3 to P-8 and
for exemption from filing the certified copies of the same, is allowed,
subject to all just exceptions.

CRM-M-20255-2020

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.116 dated 03.03.2017 at Police Station Sadar Bahadurgarh, District Jhajjar, under Sections 302, 34 & 120-B of the IPC and Section 25/54/59 of the Arms Act.
2. As per the FIR lodged at the instance of Parkash, on 03.03.2017 at about 07.30 p.m., he heard a loud noise like bursting of a cracker and when he ran outside his house, he saw Naveen @ Bholu (petitioner), Monu son of

Raj Singh, Kala son of Daya Chand running in the street and all three of them were carrying pistols in their hands. The brother of the complainant was lying in a pool of blood. The complainant alleged that about two years back, they had a quarrel with Bholu, Kala and Monu and on account of which, the said persons nursed a grudge against them and had killed his brother.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and that no specific injury is attributed to the petitioner. It has further been submitted that the other two persons named in the FIR have since been granted bail by this Court and as such, the petitioner who has been behind bars for about three and a half years, deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that the petitioner cannot claim any parity on account of the co-accused having been granted bail, as the co-accused had been summoned under Section 319 of the Cr.P.C. Learned State counsel has, however, informed that the petitioner, as on date, behind bars since the last three and a half years and that although 8 PWs have been examined prior to summoning of the co-accused under Section 319 Cr.P.C., but upon the said co-accused having been summoned under Section 319 of the Cr.P.C., all 41 PWs are to be examined.
5. I have considered rival submissions addressed before this Court.
6. Bearing in mind the fact that identical role is attributed to all the accused including the co-accused Monu and Kala, who have been granted bail and while noticing that the petitioner has been behind bars for a

substantial period of three and a half years and is not stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to consume time since all the 41 PWs are yet to be examined.

7. In these circumstances, the petitioner deserves the concession of bail. 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.
8. It is, however, clarified that none of the observations made above shall be taken to the expression of the merits of the main case.

05.04.2021
Dinesh

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No