

CRM-M No.27484 of 2021  
Date of Decision: 29.09.2021

Rahul ...Petitioner  
versus  
State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Anshul Mangla, Advocate for the petitioner.  
Mr. Sandeep Singh Mann, learned Addl. AG, Haryana.  
Mr. Sanchit Punia, Advocate for the complainant.  
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B.S. Walia, J. (Oral)

[1] Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.197 dated 14.12.2020 registered under Sections 120-B, 148, 149, 307, 323, 341, 365 & 506 IPC (Sections 120-B & 307 added later on) at Police Station Sadhaura, District Yamunanagar.

[2] Learned counsel contends that the petitioner has neither been named nor any injury attributed to the petitioner in the FIR, nor his name appears in the statement of prosecution witnesses under Section 161 Cr.P.C. and the petitioner has been implicated in the case solely on the basis of disclosure statement of co-accused Vishal and Sandeep Singh.

[3] Learned counsel further contends that the investigation is complete, challan has been presented, petitioner is not involved in any other case, nor has any recovery been effected from the petitioner as against co accused who have been specifically named, injuries attributed and weapons recovered from them, Charges have been framed, 19 witnesses have been cited by the prosecution and the next date before the

witnesses, trial is likely to take considerable time to conclude therefore, no useful purpose would be served by keeping the petitioner behind bars.

[5] Learned counsel relies upon the decision in 'Mandeep Singh @ Lavi versus State of Haryana', 2020(3) RCR (Criminal) 260, 'Sohan Lal versus State of Haryana', 2020(2) RCR (Criminal) 473. 'Sagar alias Ghotu versus State of Haryana', CRM-M No.24229 of 2021, decided on 07.07.2021 Surjeet @ Nakul versus State of Haryana', CRM-M No.34334 of 2020, decided on 28.07.2021. to contend that complicity of the petitioner on the basis of disclosure statement alone without there being other material to connect the petitioner with the commission of the offence would be subject to adjudication before the trial court and in the meantime no useful purpose would be served by keeping the petitioner behind bars.

[6] Learned State Counsel on instructions from *SI Surinder Kumar* does not dispute that the petitioner has been implicated in the instant case, solely on the basis of disclosure statement of the co-accused and that apart from the same, there is no other material to connect the petitioner with the commission of the offence, nor has any injury been attributed to the petitioner in the FIR, Challan has been filed, there are 23 prosecution witnesses but none has been examined and the case is now fixed before the learned trial Court on 23.11.2021 for their examination.

[7] Learned State Counsel further confirms that no recovery was effected from the petitioner, besides the petitioner is not involved in any other criminal case.

implicated in the instant case, solely on the basis of disclosure statement and there being no other material to connect the petitioner with the commission of the offence, Challan having been filed, no prosecution witness having been examined and the case now listed before the learned trial Court for examination of the prosecution witnesses on 23.11.2021, I am of the considered view that no useful purpose would be served by keeping the petitioner behind bars, as the trial is likely to take considerable period of time.

[9] Accordingly, in the light of the position noted above, the petition for regular bail is ***allowed*** and petitioner ordered to be released on regular bail during the pendency of the trial, subject to his furnishing bail / surety bonds to the satisfaction of the learned CJM / Trial Court / Duty Magistrate, concerned, provided he is not required in any other case. The petitioner shall also abide by the conditions contained in Section 437(3) Cr.P.C. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

**(B.S. Walia)**  
**Judge**

29.09.2021  
'Rajneesh'

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