

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

CRM-M-26197-2021 (O&M)

Date of decision : 28.09.2021

Rajender Singh @ Robert Nagar

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Anurag Arora, Advocate and Mr. Gautam Dutt, Advocate
for the petitioner.

Ms. Ambika Sood, Addl. AG Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.45 dated 24.02.2020 under Sections 307, 34, 427, 506 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 (Sections 148, 149, 341, 302, 120-B IPC were added later on) registered at Police Station BPTP, Faridabad, Haryana.

The first bail petition being CRM-M-41685-2020 was dismissed as withdrawn on 21.01.2021.

Learned Senior Counsel appearing on behalf of the petitioner has contended that the incident is alleged to have been taken place on 23.02.2020 and the FIR was lodged on 24.02.2020. The petitioner, herein, is

not named in the FIR and his name has surfaced for the first time in the supplementary statement of the complainant recorded under Section 161 CrPC on 04.03.2020. He has further contended that even in the said statement there is no other overt act attributed to the petitioner. The petitioner has been in custody since 14.03.2020. The challan in the present case was presented on 11.05.2020 and charges were framed on 15.09.2020. Out of 41 prosecution witnesses, none has been examined till date. He would further contend that there is no other case pending against the petitioner.

Learned counsel for the State on instructions from SHO Dalbir Singh is not in a position to deny the fact that the petitioner was not named in the FIR and his name has surfaced for the first time in the supplementary statement of the complainant recorded on 04.03.2020. She, on instructions, has further submitted that there is no other case pending against the petitioner.

Heard learned counsel for the parties.

In the present case, name of the petitioner does not find mention in the FIR registered on 24.02.2020 and his name for the first time finds mention in the supplementary statement of the complainant recorded under Section 161 CrPC on 04.03.2020. A perusal of the supplementary statement also reveals that no overt act or injury has been attributed to the petitioner in the present case. The petitioner has been in custody since 14.03.2020. Though charges were framed on 15.09.2020, yet out of 41 prosecution witnesses, none has been examined till date.

In view of the above and without commenting upon the merits of the case and also keeping in view the fact that the trial is likely to take some time to conclude, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

28.09.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO