

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-26280-2021 (O&M)
Date of Decision:-12.8.2021

Anubhav @ Abhinav

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mohit Sadana, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana,
assisted by SI Jitender.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.531 dated 28.9.2018 at Police Station Sector 9-A, Gurgaon, District Gurgaon under Sections 120-B/148/149/201/302/364 of Indian Penal Code.
2. The FIR was lodged at the instance of Billu Ram wherein it has been alleged that on 28.9.2018 his son Rohit left home at about 10.30 am for some work. Later he received a call from his father that Rohit has not returned back and upon receipt of said information he went to Gali No.9, Devi Lal colony where he came to know that his son had been abducted by 14-15 boys. It is

further stated therein that out of the said abductors he knows the name of 3 persons as Doni, Ankit and Bholu and does not know the names of the remaining persons. It is further the case of prosecution that on the same day itself the complainant's son was found in village Gadoli who was found to be sustaining injuries. Although the complainant's son was taken to hospital but he succumbed to injuries.

3. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and has been subsequently nominated as an accused on the basis of a disclosure statement allegedly made by co-accused, which would hardly carry any evidentiary value. It has further been submitted that the petitioner, in any case, deserves the concession of bail on grounds of parity since a large number of co-accused namely Rohit @ Bholu, Akash, Tarun Raghav, Manish @ Maniya, Shahrukh Khan, Himanshu, Yogesh Kumar @ Bagri and Sudhir Sharma have already been granted bail by this Court.
4. Opposing the petition, learned State counsel has submitted that since the petitioner happens to be specifically named by co-accused, his complicity is clearly evident. It has further been submitted that the petitioner cannot claim parity with the other accused, who have been granted bail since the other accused were not found to be involved in any other case, whereas the petitioner is involved in two other cases and there is also CCTV footage, which would suggest his involvement in the occurrence. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 years and 9 months and that as on date 11 out of the cited 43 PWs have been examined.
5. I have considered rival submissions addressed before this Court.

6. Without commenting anything as regards merits of the case and while noticing that it is a case wherein the petitioner has been named on the basis of a disclosure statement made by a co-accused and while also noticing that the petitioner has been behind bars for a substantial period of 2 years and 9 months, his further detention would not be justified particularly keeping in view that the conclusion of trial is likely to consume time as only 11 out of the cited 43 PWs have been examined so far. 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.

12.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No