

Date of Decision: 05.08.2021.

...Petitioner

VS.

...Respondent

Present: Mr. Saleem Ahmed, Advocate for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner pending trial in case FIR No.053 dated 07.02.2017, registered under Sections 455, 307, 120-B IPC, 1860 and 25, Arms Act, 1959 at Police Station Manesar, District Gurugram.

3. Learned counsel contends that no injury is attributed either to the petitioner or co-accused Sahud and Siraju alias Pappu, against whom identical allegations are levelled, and who were granted regular bail by the learned trial Court on 14.03.2018 and 01.02.2019 respectively, the petitioner was implicated in the case solely on the basis of disclosure statement of co-accused, Siraju alias Pappu, while he was in police custody and that apart from the disclosure statement there is no other material to connect the petitioner with the commission of the offence, however, the petitioner was declared a proclaimed offender on 19.12.2017 and was arrested on 12.05.2021. Learned counsel further contends that co-accused Sahud who

has been released on bail had also been implicated on the basis of disclosure statement by co-accused Siraju alias Pappu and has now been acquitted by the learned trial Court. Learned counsel further contends that the investigation is complete, challan has been presented, though charges are yet to be framed, therefore, trial would take long time to conclude, in the circumstances, no useful purpose would be served by keeping the petitioner behind bars, as he is in custody since 12.05.2021.

4. Learned DAG, Haryana, on instructions from SI, Sushil, confirms the aforementioned factual position.

5. I have considered the submissions of learned counsel for the parties. Without commenting upon the merits of the case but by taking into account all aspects of the matter including that co-accused, Sahud, who was also implicated on the basis of disclosure statement of co-accused Siraju alias Pappu, has been acquitted, besides there is no other material to connect the petitioner with the commission of the offence, petitioner is in custody since 12.05.2021, challan has been presented, though charges are yet to be framed, I am of the considered view that no useful purpose would be served by keeping the petitioner behind bars.

6. Resultantly, the petition for regular bail is allowed and the petitioner is 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. It is also made clear that the petitioner shall appear before the learned trial Court on each and every date and shall also

abide by the conditions contained in Section 437(3) Cr.P.C.

7. Needless to mention, in case of violation of either of the conditions or involvement of the petitioner in any other case while he is on regular bail in the instant case, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

8. Petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

05.08.2021

'Rajesh'

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No