

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

CRM-M-26732 of 2020

DECIDED ON: 14th JANUARY, 2021

Gurpreet Singh @ Preet

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Vishal Sharma Haritwal, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

The petitioner is before this Court for regular bail in case FIR No. 306 dated 2.7.2019 under Sections 148, 149, 302, 404, 216, 120-B IPC and Section 25 of Arms Act, 1959, registered at Police Station Kurukshetra University, District Kurukshetra.

The above said FIR was at the instance of Rahul. It was stated that he alongwith his partners Sandeep and Jitender had gone to village Dhand to attend the marriage. There was an altercation between Rahul and Jitender along with some other persons. In that incident, leg of Jitender was broken and on the way the Jitender was kidnapped. A case was registered at Police Station Dhand. Since the complainant was in favour of Jitender, Rahul was carrying grudge. On 2.7.2019 the complainant had gone alongwith Sandeep to Kurukshetra in car bearing registration No. HR-68-Z-5210 to meet a friend and for taking the payment of Rs. 2 lakh. At about 3:15 p.m. when they reached in front of Dera Darshan Singh, 10-12 boys armed with country made pistols, gandasi and sua came in Bolero Car bearing registration No. HR-64-3985 and attacked them. The names of the accused were specified with the weapon they were armed and the act they did. Due to injuries sustained, Sandeep died on the spot. FIR was registered. Police investigated the matter and arrested Ranjit Singh, Satnam, Gurpreet @ Preet, Rahul, Deepak @ Sehwaag and Annupal @ Annu and filed challan against them.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR. It was only in the disclosure statement of Rahul that the petitioner was named. He submits that no recovery is to be made. The petitioner is in custody since 15.7.2019. He relies upon the order dated 23.12.2020 of this Court passed in CRM-M-52566 of 2019 whereby Annupal @ Annu has been granted bail.

Learned State counsel on instructions from ASI Mohinder submits that recovery of Rs.5000/-, a motor cycle and one mobile phone was made from the petitioner. It is further submitted that as per the disclosure statement of Rahul, the petitioner did the *reki* for the accused who attacked the complainant and Sandeep.

Having considered the facts and especially that the petitioner's name surfaced in disclosure statement only, it would be appropriate to grant bail to the petitioner. Further, it would be pertinent to note that the petitioner has been denied his personal liberty since 15.7.2019. He is at parity with co-accused Annupal @ Annu, who was also named by Rahul in the second disclosure statement.

As per the second disclosure statement Annupal @ Annu was given the work of *reki* and was to be paid Rs.20,000/- for the same. Trial is likely to take time. No useful purpose would be served by keeping the petitioner in custody. The petitioner is granted bail on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

14th JANUARY, 2021

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>