

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

CRM-M-32861-2021 (O&M)
Date of Decision:-19.8.2021

Nitin alias Anti ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ravinder Kumar Rana, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana,
assisted by ASI Puneet Kumar.

(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.0158 dated 18.7.2020 at Police Station Badli, District Jhajjar under Sections 302, 120-B, 34 of Indian Penal Code and Sections 25, 54 and 59 of Arms Act.
2. The FIR was in question was lodged at the instance of Narender, wherein it is alleged that on 18.7.2020 he received information in the morning at about 7:00 a.m. that his younger brother Surender has been shot dead during the night at the village bus stand. The complainant alleged that about two days

back Gajraj @ Leelu Langra, Joginder @ Bablu and Romit alongwith two other boys had threatened to kill complainant's brother in his presence as well as in the presence of Jaipal, Katara @ Langra, Om Parkash and Bhup Singh. The complainant further stated therein that infact his brother Sandeep, who is confined in Rohini Jail, had also informed him that Parvesh Mann had also threatened to kill him.

3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and that infact it is a case of blind murder. It has been submitted that although the complainant, while getting FIR recorded, had named three persons namely Gajraj @ Leelu Langra, Joginder @ Bablu and Romit, who had issued threats alongwith other persons but subsequently after about 2 months i.e. on 25.9.2020 the complainant named another set of two persons namely Anil and Ravi to be the persons responsible for murder of his brother. Upon arrest of the aforesaid two persons namely Anil and Ravi, they suffered separate disclosure statements to the effect that Nitin @ Anti (petitioner), Devender @ Kala and Mohit were also involved in the crime.
4. Learned counsel for the petitioner has further submitted that such like disclosure statements by co-accused would hardly carry any evidentiary value and infact the wavering stand of the complainant shows that the case is based on falsity. It has further been submitted that the three persons initially named in the FIR namely Gajraj @ Leelu Langra, Joginder @ Bablu and Romit have been given a clean-chit and that the police is now proceeding against Anil, Ravi and Nitin @ Anti (petitioner), against whom challan has been presented.

5. Opposing the petition, learned State counsel has submitted that since the petitioner has been categorically named by two co-accused, his complicity is evident and that in these circumstances, he does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 7 months and that the petitioner is not involved in any other case.
6. I have considered rival submissions addressed before this Court.
7. It is a case of blind murder, where nobody is alleged to have witnessed the incident. The complainant had earlier named one set of three persons to be accused but subsequently another set of two persons were named as accused. The police gave clean chit to the first set of three persons, while has challaned the two persons subsequently named, and another against whom disclosure statements were made by the said two persons subsequently named. The admissibility of such like disclosure statements would certainly be debatable. In any case, since the petitioner has been behind bars for a substantial period of more than 7 months and is not stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose. 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.

19.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No