

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

CRM-M-28714-2020 (O&M)
Date of Decision:- 15.2.2021

Amandeep Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashit Malik, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG Haryana
assisted by SI Jagdish Chander.

(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.211 dated 21.5.2019 under Sections 148/149/323/341/506/302/216 IPC at Police Station Kurukshetra University, District Kurukshetra.
2. The FIR was registered at the instance of Aditya Sharma wherein it is alleged that on 20.5.2019 he alongwith his friend Anish Bansal had gone to take their examination in Pharmacy Department, Kurukshetra University. After the examination, when he alongwith his friend Anish Bansal started back on their motorcycle, they were waylaid by Khushhal, who was accompanied by Ganga Gaba, Monu Malik @ Wazir, Rajesh Ajrawar, Mukesh Saini, Nitesh Chahal, Mayank Safidon and 3-4 other boys who were all armed with 'sticks', 'bindas' and 'rods'. Khushhal gave a blow with 'binda'

on the head of Anish and also caused injuries to the complainant. Gagan Gaba is also alleged to have given a blow with '*binda*' on the arm as well as on the head of Anish. Monu Malik, Mukesh Saini, Rajesh Ajrawar, Nitesh Chehal and Mayank Safidon also gave fist blows to Anish and also to the complainant. The 3-4 unidentified boys also gave beatings to them. Anish who was seriously injured was taken to hospital but he ultimately expired after having been admitted in GMCH, Sector 32, Chandigarh.

3. The learned counsel for the petitioner has submitted that he is nowhere named in the FIR and came to be nominated as an accused on the basis of disclosure statement made by co-accused Khushhal which hardly has any evidentiary value. It has further been submitted that the petitioner has a clean record and in these circumstances he deserves the concession of bail, particularly when he has already been behind bars since the last about 1 year and 8 months.
4. Opposing the petition, the learned State counsel has submitted that pursuant to disclosure statement made by the petitioner himself he has got a 'stick' as well as motorcycle used in the crime recovered and since he is attributed fist blows and kicks which is evident from the disclosure statement made by the petitioner himself as well as by co-accused Khushhal, no case for grant of bail is made out. It has, however, been informed that the petitioner has been behind bars since the last 1 year and 8 months and is not involved in any other case and that as on date only 13 out of 20 prosecution witnesses have been examined.
5. I have considered the rival submissions addressed before this Court. Given the fact that the petitioner is not specifically named in the FIR and came to

be nominated on the basis of disclosure statement, the veracity and admissibility of which would be debatable and while noticing that the petitioner is not involved in any other case and has been behind bars since the last 1 year and 8 months, further detention of the petitioner will not serve any useful purpose.

6. 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.

15.2.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No