

105+209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-6476-2021 in/and
CRM-M No. 28986 of 2020
Date of Decision:08.03.2021

ASHOK @ HUTTER

...Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr.Sanjeev Kadian, Advocate for the petitioner.

Mr.Apoorv Garg, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

CRM-6476-2021

Allowed as prayed for.

Main case

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.693 dated 06.06.2017 registered under Sections 302, 120-B, 34 of IPC,1860 and Sections 25, 54 and 59 of Arms Act, 1959 at Police Station Panipat City, District Panipat.

Learned counsel for the petitioner states that the petitioner has neither been named in the FIR nor any role attributed to him regarding any injury. The petitioner was indicted on the basis of disclosure statements of co-accused Sunny Dev @ Kukki and Sanjeet @ Shakti and was brought on the production warrants.

He further states that in all other cases the petitioner stands acquitted. The counsel for the petitioner has also drawn the attention of this

Court to the statement of complainant- Rajo @ Raj Devi who appeared as PW-1 and has stated that two boys were waiting on a motorcycle and she identified two boys as one being present petitioner-Ashok. He further raised his arguments that the petitioner was standing on motorcycle with some other co-accused and no role has been attributed even by the complainant while appearing in the witness box.

Learned State counsel states that the petitioner is a habitual offender and is involved in 3 other cases but in some cases the witnesses have turned hostile and he has been acquitted. In present case out of 15 witnesses only 5 have been examined.

I have heard the learned counsel for the parties.

Since the petitioner has not been named in the FIR and even the complainant has stepped into the witness box by attributing the role of the petitioner that he was standing on the road side on a motorcycle along with the other co-accused. The trial will take time to conclude and no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on her/his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

March 08, 2021

Jyoti-1 Whether speaking/reasoned Yes/No Whether Reportable Yes/No