

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 29655 of 2020

Date of Decision: 06.4.2021

Hariom alias Tabbu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vijay Kumar Sheoran, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 130 dated 14.4.2018 under Sections 302, 34, 379-B, 392, 397 IPC and Sections 25, 54, 59 of the Arms Act, 1959 (challan presented under Sections 302, 307, 379-B, 395, 396, 397 IPC and Section 25/25(1), 54, 59 of the Arms Act, 1959) registered at Police Station Badhra, District Charkhi Dadri.

Reply by way of affidavit of Deputy Superintendent of Police, Badhra, District Charkhi Dadri dated 25.3.2021, filed in the Registry, is taken on record.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR. He further submits that neither any specific role has been attributed to the petitioner nor any recovery has been effected from him and he has been in custody since 11.6.2018. Learned counsel further submits that Sanjay Kumar, who is the complainant as well as the eye witness and Virender, who is also an eye witness, have not named the

petitioner while appearing in the witness box as PW-3 and PW-4, respectively.

On the other hand, learned State counsel, while opposing the bail application, submits that the petitioner played an active role in the crime and at one stage, he was driving the Scorpio vehicle No. HR61-A-1580 and co-accused Parvinder and Deepa were apprehended by the residents of the village, who were also the part of the group in which the petitioner has actively participated. It has also been pointed out by the learned State counsel that out of 34 prosecution witnesses, three witnesses have been examined.

I have heard the learned counsel for the parties.

In the present case, PW-3 Sanjay Kumar, who is the complainant and the eye witness as well as PW-4 Virender, the another eye witness, have not named the petitioner, while appearing into the witness box. The petitioner has been in custody since 11.6.2018. Out of 34 prosecution witnesses, only three witnesses have been examined. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

April 06, 2021
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No