

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

CRM-M-37035-2021 (O&M)

Date of decision: 29.10.2021

Aman Kumar

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Copy of the status report by way of affidavit dated 18.10.2021 of the Deputy Superintendent of Police, Naraingarh, District Ambala, already filed in the Registry, is taken on record.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.216 dated 02.07.2019, registered at Police Station Naraingarh, District Ambala, Haryana, under Sections 148, 149, 323, 302, 303, 506, 452, 120-B IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner submits that initially, nine persons were named in the FIR, who attacked the complainant party thereafter, three other persons were named as accused on account of hatching

criminal conspiracy. The petitioner was not named in the FIR; even in the supplementary statement of the complainant and statements of three eye-witnesses namely, Bala Devi, Hari Ram and Mahipal, recorded under Section 161 Cr.P.C. The alleged role attributed to the petitioner is that he had acted as a helping hand in committing the crime by doing a recce and informed the main accused accordingly, and that the petitioner has been custody since 08.07.2019. He further submits that as co-accused, namely, Mamta Devi and Binda @ Jagpal Singh, have already been granted the concession of regular bail, the petitioner may also be granted such concession, on the ground of parity. The petitioner was arrested after 6 days of registration of the FIR. The petitioner has nothing to do with the alleged crime and has never gone to the place of occurrence.

He further submits that bail petitioner of co-accused Vishal was dismissed, as he was specifically named in the FIR, armed with a weapon and actively participated in the alleged crime along with other co-accused.

Learned State counsel, while vehemently opposing the prayer for bail submits that though the petitioner was not named in the FIR, yet there are specific allegation against the petitioner, that he after doing recce with co-accused Vishal, informed the main accused accordingly. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 08.07.2019. The petitioner was neither named in the FIR, nor in the supplementary statement of the complainant and statements of eye witnesses. He was indicted in the

present case with the aid of Section 120-B on the basis of his confessional statement suffered in the police custody. Therefore, 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 his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

29.10.2021
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No