

In virtual Court

CRM-M-40594-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40594-2020 (O&M)

Date of decision: 11.01.2021

Rakesh @ Pampu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikas Malik, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.166 dated 16.03.2016 under Sections 302, 120-B, 201, 34 IPC and Section 25/54/59 of Arms Act, registered at Police Station Sadar Rohtak, District Rohtak.

Learned counsel for the petitioner submits that the FIR was registered on the statement of Chander Singh that his son Sunny Dev is not residing with him, whereas his another Sukhwinder @ Puttu is residing with him. On 15.03.2016, his daughter informed him that when Sukhwinder @ Puttu was coming towards home, two young boys riding on a scooty, fired shot upon him and he fell down and later on, died in hospital. It is further submitted that the petitioner is in custody since 06.04.2016 i.e. for the last about 04 years and 09 months; challan stands presented and out of total 49 prosecution witnesses,

only 01 PW has been examined so far and the trial is not progressing in view of COVID-19 situation. It is also submitted that as per the FIR, nothing is attributed to the petitioner and after his arrest, no weapon is recovered from him.

Learned counsel for the petitioner further submits that the evidence, which has come against the petitioner, is the disclosure statement of one of the co-accused or the petitioner's own disclosure statement regarding commission of the offence. It is further submitted that it has been held by the Hon'ble Supreme Court in **Prabhakar Tewari Vs. State of U.P. and anr., 2020 (1) RCR (CrI.) 831** that involvement of a person in other FIRs, is not a ground to dismiss the bail application.

Learned State counsel has filed the reply by way of affidavit of Investigating Officer/ASI Paramjeet in the Court today, in which it is stated that it has come during the investigation that the petitioner was nominated on the disclosure statement of co-accused. It is further stated that earlier son of the complainant Sunny Dev had killed Devender (brother of Surender) and said Sunny has not been apprehended and therefore, on account of enmity, the other son of the complainant namely Sukhwinder @ Puttu was murdered by Surender and others in conspiracy with each other. Learned State counsel has further submitted that the petitioner is involved in some other FIRs.

In reply, learned counsel for the petitioner has submitted that no motive is attributed to the petitioner, except that co-accused Surender has made a statement that he has approached the petitioner for killing the deceased.

After hearing learned counsel for the parties, without commenting

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upon merits of the case and considering the allegations in the FIR as well as nature of evidence, which has come on record during the investigation and also in view of the fact that the petitioner is in custody for the last about 04 years and 09 months and only 01 PW has been examined out of total 49 PWs, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

11.01.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No