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

**CRM-M-51319-2019
Date of decision: 28.10.2021**

RAVI DUTT @ DHILLU

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. H. N. Sahu, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is a second petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0125 dated 23.02.2015, registered under Sections 148, 149, 302 of the IPC; Section 25/54/59 of the Arms Act and Sections 216 and 120-B of the IPC added later on at Police Station Jhajjar, District Jhajjar, Haryana.

The earlier petition bearing No. CRM-M-20425-2018 was disposed of on 25.03.2019 by issuing a direction to the trial Court to expeditiously conclude the trial preferably within a period of 06 months. It is submitted that since the trial has not been concluded so far, this second petition has been filed.

At the very outset it is worth noticing that the report of the District and Sessions Judge, Jhajjar was sought and as per the report dated 04.01.2020, the trial Court is taking all endeavours to conclude the trial.

Learned counsel for the petitioner submits that a period of more than two years has passed even thereafter, the case is still at the stage of recording the prosecution evidence and as on today, out of 39 prosecution witnesses, 22 prosecution witnesses have been examined so far.

On merits, learned counsel for the petitioner further submits that as per allegations in the FIR registered at the instance of Bijender Singh, it is stated that on 22.02.2015, he along with Mai Chand and deceased Anil had gone to police station Dulina and when they were coming back, two vehicles i.e. one Bolero and one Santro came from the back side and stopped in front of the motorcycle, due to which the motorcycle, which was driven by Anil, was stopped. From the Bolero one Surender @ Sunda fired a shot with the pistol, which hit Anil on his stomach and Narender stepped down from Santro and fired a shot with the pistol and the bullet hit on the face of Anil, due to which all the three persons fell down from the motorcycle. In the other vehicle Neeraj, Satish, Satbir @ Pannu and Chand stepped down and they were also holding pistols in their hands and opened fire. In the meantime, the complainant and Mai Chand ran away from the spot. After some time when the accused left the spot along with their weapons and vehicles, complainant and Mai Chand by arranging a vehicle brought Anil to Civil Hospital, Jhajjar where, he was referred to PGI, Rohtak where he died during the treatment.

Learned counsel for the petitioner further submits that the petitioner was not named in the FIR and later on, his name surfaced during the disclosure of the co-accused. The petitioner was arrested on 20.06.2015, and as per his disclosure statement, he got the place of occurrence demarcated and the purse of deceased Anil was recovered.

Learned counsel for the petitioner further submits that all the material witnesses have already been examined and there is no possibility of tampering with the prosecution evidence.

Learned counsel for the petitioner further submits that as on today, the petitioner is in judicial custody for the last 03 years and 08 days.

Learned State counsel on the basis of the affidavit of the Deputy Superintendent of Police, HQ, Jhajjar submits that the petitioner is involved in some other FIRs and in one case under Section 302 he has been convicted and is facing the trial in the other cases.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the allegations in the FIR, wherein, the petitioner was not nominated and also in view of the fact that he was later on nominated on the disclosure of the co-accused; petitioner is in judicial custody for the last 03 years and 08 days and all the relevant material witnesses have already been examined and some of the co-accused have already been released on bail; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

(ARVIND SINGH SANGWAN)
JUDGE

28.10.2021
Chetan Thakur

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No