

212.

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

CRM-M-7326-2022

Date of Decision: 24.02.2022

SUBHASH @ BABA

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.S. Mor, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.22, dated 02.02.2019, registered under Sections 201, 302 IPC (Sections 120-B IPC and Section 25 of Arms Act, 1959 added lateron) at Police Station Sahlawas, District Jhajjar.

Learned counsel appearing on behalf of the petitioner would contend that the petitioner is in custody since the year 2019. It is argued that the FIR came to be registered against unknown persons on 02.02.2019. Thereafter, one Sahil @ Hunter, who was arrested in FIR No.61, dated 18.02.2019, under Sections 379, 402 IPC and Section 25 of the Arms Act at Police Station Jhajjar, made a disclosure statement regarding his involvement

along with four others in the present FIR. On the basis of disclosure statement, one Ravi @ Lala was arrested on 03.06.2019 who made a disclosure statement associating the petitioner herein for the commission of the offence. Counsel for the petitioner herein would contend that in fact reading of all the statements would reflect that the petitioner had no role in the commission of offence of killing the deceased Deepak. Two injuries had been inflicted upon the deceased leading to his death and those have been attributed to one Amit and to Sahil @ Hunter.

On the other hand, learned State counsel opposes the grant of regular bail to the petitioner referring to seriousness of the allegations, however, is not in a position to dispute the fact that the petitioner has been nominated as an accused on the basis of disclosure statement of Ravi @ Lala who himself came to be nominated as an accused on the basis of disclosure statement of Sahil @ Hunter in a different FIR.

I have heard learned counsel for the parties and keeping in view the fact that the petitioner has been nominated as an accused on the basis of disclosure statement and also given the fact that Ravi @ Lala, the person who had nominated him, has been allowed regular bail by this Court in CRM-M-20613-2020, dated 20.12.2021, deem it appropriate to grant regular bail to the petitioner herein. This order is also being passed keeping in mind that 36 witnesses have been cited and as on date, no one has been examined. The petitioner has been in custody for almost a period of 3 years.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal bond in a

sum of Rs.2 lakhs with one surety of like amount to the satisfaction of concerned trial Court/Duty Magistrate.

However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

(JAISHREE THAKUR)
JUDGE

24.02.2022

sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No