

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

227

CRM-M-7511-2022 (O&M)

Date of Decision: 08.07.2022

RAHUL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.149 dated 01.06.2021, registered under Sections 328, 380 and Sections 120-B and 411 IPC, at Police Station Arya Nagar, Rohtak, District Rohtak.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR; that the petitioner has falsely been involved in the present case; that the petitioner has been in custody since 13.06.2021 and that the petitioner has been indicted in the present case on the basis of the disclosure statement of the co-accused. He further submits that the only allegation against the petitioner is that he had conspired along with the other accused to commit the crime and that the petitioner was arrested after 12 days of the alleged occurrence.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody

period of the petitioner. He, however, submits that though the petitioner has not been named in the FIR, yet the fact remains that he had actively participated in the occurrence and that as per the tower location and call record, the petitioner along with the co-accused was found present at the place of occurrence. He further submits that on the disclosure statement of the petitioner, Rs.37,000/- was recovered and that there are total 15 prosecution witnesses, out of whom none has been examined, so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 13.06.2021. Petitioner has been indicted on the basis of the disclosure statement of the co-accused. The only allegation against the petitioner is of conspiracy. All the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

08.07.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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