

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

204

CRM-M-9139-2022

Date of Decision: 21.04.2022

Rohit

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Bijender Dhankar, Advocate for petitioner.

Mr. Deepak Bhardwaj, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

Present second petition under Section 439 Cr.P.C has been moved by petitioner-**Rohit** for grant of regular bail in case FIR No.157 dated 23.05.2020 under Sections 120-B, 302 and 307 IPC (Section 34 IPC deleted and Section 120-B IPC added later on) and Section 25 of Arms Act, registered at Police Station Murthal, District Sonipat.

Learned counsel for the petitioner *inter alia* contends that allegations levelled against the petitioner are altogether false and frivolous and there is no iota of truth therein. He further submits that allegedly petitioner along with co-accused hatched conspiracy to commit murder of Parvinder @ Bholu and to cause injuries to Manish (complainant-injured), whereas petitioner has no nexus whatsoever in the commission of alleged offence. He further submits that all the material prosecution witnesses have already been examined. To substantiate his plea, learned counsel for the petitioner submits that PW-2 Manish (complainant-injured) when appeared

in the witness box has altogether denied the involvement of petitioner in the commission of alleged offence. He further submits that PW-10 Nitin has also denied the prosecution version stating that he did not know as to who had committed murder of Parvinder and caused injuries to Manish. He further submits that PW-1 Sharwan Kumar and PW-3 Manoj, father and brother respectively of deceased Parvinder @ Bholu, have categorically stated that they did not witness the occurrence. Learned counsel for the petitioner further submits that no recovery of any incriminating weapon was effected at the instance of petitioner. He further submits that petitioner is not involved in any other case except the instant one. He further submits that petitioner is languishing in custody since 30.05.2020 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and trial has commenced. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into

consideration the fact that petitioner is in custody since 30.05.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Rohit** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Sonipat, as the case may be.

(LALIT BATRA)
JUDGE

21.04.2022

Varinder Prashad

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No