

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

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CRM-M-13684-2022 (O &M)

Date of decision: 06.04.2022

DEVENDER SINGH ALIAS RAVINDER

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Aman Pal, Advocate
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana
for the respondent.

SANT PARKASH, J. (ORAL)

CRM-12217-2022

For the reasons mentioned in the application, the same is allowed and the petitioner is exempted from filing certified/true typed copies of Annexures P-1 to P-18.

CRM-M-13684-2022

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 51 dated 10.02.2021 registered under Sections 302/307/34/120-B of the IPC and Section 27 of the Arms Act, 1959 registered at Police Station Gohana City, District Sonipat.

The present FIR has been lodged on statement of Dinesh Kumar who alleged that the accused party namely Parvar Sarpanch called him and his brother Rajesh alias Raju for talks as there was a dispute of uprooting the foundation in the street. When he

KAVNEET SINGH (complainant) and his brother Raju (since deceased) along with some
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I attest to the accuracy and
integrity of this document

other persons went to the office of Parvar Sarpanch, then at the gate of their office, the accused persons started firing at them and one unknown person caught hold of his brother. His brother Raju and one Oma received fire arm injuries. His brother Raju and Oma were shifted to PGI, Khanpur where Raju was declared brought dead.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner would contend that the petitioner has been falsely implicated in the present case. All the material witnesses have been examined during trial who have now turned hostile and did not support the case of the prosecution. The petitioner is in custody since 12.02.2021. Co-accused Devender @ Kala Kabadi and Parvar have already been granted regular bail by this Court vide order dated 11.11.2021 and 03.03.2022. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has submitted that the petitioner is accused of having committed serious offences. In view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed. However, learned State Counsel is not able to dispute the fact that statement of material witnesses have been recorded, who had turned hostile.

Having considered the facts and circumstances of the case, statements of material witnesses have been recorded, who had turned hostile and did not support the prosecution version, there remains no

apprehension of the petitioner to influence any material witness, Co-accused Devender @ Kala Kabadi and Parvar have already been granted regular bail, the period of custody of the petitioner, custodial interrogation of the petitioner not required but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, nothing stated hereinabove would be construed as an expression of opinion on the merits of the case.

06.04.2022
kavneet singh

(SANT PARKASH)
JUDGE

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