

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

CRM-M-14093-2022
Date of Decision:-**01.08.2022**

RAKESH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Ajit Sihag, Advocate &
Mr. Kanhiya Soni, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.293 dated 1.8.2020 registered under Sections 148, 149, 302, 323, 452, 506 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act at Police Station Adampur, District Hisar.

The counsel for the petitioner submits that the petitioner was not named in the FIR and was nominated as accused on the basis of co-accused Raghbir and consequently arrested on 13.10.2020 and since then he is in custody. The counsel for the petitioner further contends that no weapon

or incriminating article was recovered from the possession of the petitioner. The counsel for the petitioner further contends that during trial, complainant-Vinod appeared in the witness-box and was examined-in-chief at which stage the prosecution moved an application under Section 319 Cr.P.C. for summoning of two other persons as additional accused. The counsel for the petitioner further submits that even in the said examination-in-chief, the complainant has not named the petitioner in any manner. The counsel for the petitioner further submits that it will take considerable time for the trial to terminate and as such prayer is made that petitioner be released on regular bail.

The present petition is opposed by the State counsel, who submitted that the petitioner is facing trial in a case relating to murder of Birbal and at the time of the incident, complainant-Vinod also sustained injuries at the hands of accused persons. The State counsel on instructions from SI Rajpal has not disputed the fact that the petitioner was not named in the FIR and was nominated as accused on the basis of disclosure made by co-accused Raghbir and that the petitioner was arrested in this case on 13.10.2020 and during investigation nothing was recovered from his possession and that the complainant has been examined-in-chief during the trial.

I have considered the submissions made by counsel for the petitioner as well as by State counsel.

The petitioner who as not named in the FIR is in custody since 13.10.2020 and during trial complainant-Vinod was examined-in-chief and copy of the same is Annexure P-2. Even in the said statement the petitioner

has not been specifically name. It will take considerable time for the trial to conclude. In the given circumstances mentioned above, no fruitful purpose is going to be served even if the petitioner is kept in judicial custody for indefinite period. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

01.08.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No