

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

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CRM-M-17370-2022

Date of Decision : **August 03, 2022**

ANKUR SINGH

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Ramandeep Singh Gill, Advocate and
Mr. H.S.Dhaliwal, Advocate for the petitioner.
Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.423 dated 24.11.2018 under Sections 396, 302, 307, 120-B IPC and Sections 25, 54, 59 of Arms Act, registered at Police Station Ambala City.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 19.3.2019 which is almost 3 years and 4 months. He submitted that out of 37 witnesses, 14 witnesses have already been examined. He further submitted that the name of the petitioner was nominated on the basis of the disclosure statement of the co-accused which is not admissible in evidence and there was no evidence available with the prosecution to link the petitioner with the present offence. He submitted that the other co-accused who is at parity with the petitioner, namely, Parshant Hindrab @ Chottu whose role was similar to that of the petitioner that they had conducted recee has been granted bail by this Court vide CRM-M-47553-2021. He submitted that apart from the same, various other co-accused, namely, Simranjit Singh @ Simmy, Gurvinder Singh @ Guri and Vivek Kumar have been granted bail vide orders passed in CRM-M-40044-2019, CRM-M-37255-2020 and CRM-M-41259-2021 respectively on the ground that their names were nominated on the basis of the disclosure statement. He

further submitted that the material witnesses including the eye-witnesses have also turned hostile since they did not support the prosecution version.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 19.3.2019 which is almost 3 years and 4 months and 14 witnesses have already been examined. He further submitted that it is also correct that the other co-accused namely, Parshant Hindrab @ Chottu who is at parity with the petitioner has been granted bail by this Court apart from the same the other co-accused have also been granted bail.

I have heard the learned counsels for the parties.

The petitioner is in custody for about 3 years and 4 months and material witnesses i.e. complainant and the eye-witnesses have been examined who have turned hostile during the trial. The name of the petitioner was nominated on the basis of the disclosure statement made by the co-accused and as per the learned counsels for the parties, he is at parity with the other co-accused, namely, Parshant Hindrab @ Chottu who has been granted bail.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 03, 2022

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(JASGURPREET SINGH PURI)
JUDGE

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