

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

CRM-M-22339-2022
Date of Decision:-**11.11.2022**

AMIT @ BABU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. G.C. Shahpuri, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.369 dated 13.3.2020 registered under Sections 302/120-B IPC at Police Station Jagadhri, District Yamuna Nagar.

The counsel for the petitioner submits that the petitioner was not named in the FIR and is in custody for the last more than 1 year and 7 months and no incriminating article was recovered from him during the investigation of this case. The counsel for the petitioner further submits that the petitioner was nominated as an accused on the basis of disclosure statement made by co-accused Sahil and relevance and admissibility of the

said disclosure statement will be examined during the trial. The counsel for the petitioner further submits that no fatal injury has been attributed to the petitioner and similarly situated co-accused Mukesh Kumar @ Manni was granted regular bail by the Coordinate Bench of this Court vide order dated 29.3.2022 (Annexure P-2). So prayer is made that petitioner be released on regular bail.

The instant petition is contested by the State counsel, who on instructions from ASI Rishi Pal submits that the petitioner was named as accused on the basis of disclosure of Sahil, as per which Sahil and Ankit @ Lallu reached near the place of occurrence in a car, which was driven by the present petitioner and after the commission of crime Sahil and Ankit left the place of occurrence in the same car, which was driven by the petitioner. That in this manner the petitioner, who was having criminal history conspired with aforesaid co-accused in committing murder of Chattarpal brother of the complainant. However, the State counsel has not refuted the fact that the petitioner is in custody for the last more than 1 year and 7 months and during investigation no incriminating article was recovered from his possession.

I have considered the submissions made by counsel for the parties.

The petitioner was not named in the FIR, which was registered on the basis of the complainant-Om Parkash, wherein he stated that on 13.3.2020 at about 9:45 a.m. he was standing near Shiv Mandhir in the area of Gandhi Dham, Colony near his house and in the meantime, Sahil Pandit his neighbour along with one another boy (Ankit) came there and then Sahil

opened fire and three pistol shots hit Chhaterpal and he fell on the ground and thereafter Sahil and Ankit ran away from there and Chhaterpal died at the spot.

Later on Sahil was arrested and as per police version, Sahil suffered disclosure statement wherein he stated that he and Ankit reached near the place of occurrence in a car and after commission of crime, they again travelled in the said car, which was driven by the petitioner. The State counsel has admitted that no incriminating article was recovered at the instance of the petitioner during the investigation. The counsel for the petitioner made statement at bar that the alleged car used in commission of crime was not recovered from the possession of the petitioner.

The petitioner is in custody for the last more than 1 year and 7 months and as has been stated by the counsel appearing on behalf of the State, most of the prosecution witnesses are examined during the trial. Still it will take time for the trial to conclude. In this case no fatal injury has been attributed to the petitioner. The complicity, if any, of the petitioner in the present case will be adjudicated by the learned trial Court at the appropriate stage of the trial. As per the custody certificate, the petitioner is involved in some other criminal cases, but there is nothing on the record to show that the petitioner has been declared as proclaimed offender in any of the said criminal cases.

In the light of the above, as it will take considerable time for disposal of the case, no purpose is going to be served by keeping the accused behind the bars for any longer 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.

11.11.2022

Gaurav Sorot

**(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No