

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

CRM-M-23298-2022
Date of Decision:-01.06.2022

RAMBEER

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Anirudh Singh Shera, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Instant petition has been filed by the petitioner for grant of regular bail in a case having FIR No.69 dated 22.2.2021 registered under Sections 302, 323, 34, 364, 506, 201 IPC and Section 25 of Arms Act at Police Station Baroda District Sonapat.

The FIR in the present case was registered on the basis of complaint lodged by injured-Mohit to the police, in which he disclosed that on 21.2.2021 at about 7:30 p.m. accused Gaurav @ Kalu and Rajvir came on a motorcycle to his house and then took him to village Thaska and gave beatings to him at knife point. In the meantime two other unknown persons

brought Shiv Kumar to the same place and those two persons started beating Shiv Kumar and then all the said four accused forcibly took Mohit and Shiv Kumar to village Butana on a motorcycle and they again started giving beatings to Mohit and Shiv Kumar. In the meantime, the complainant succeeded in escaping from there and later on he came to know that Shiv Kumar was found lying dead near rivulet.

The counsel for the petitioner contends that during trial complainant Mohit, father of deceased Shiv Kumar, Ram Bhagat and Pardeep were examined but they had not supported the case of prosecution. The counsel further contends that even otherwise the petitioner was not named in the FIR and nominated as an accused on the basis of disclosure made by co-accused Gaurav. The counsel for the petitioner submits that co-accused Amit Atri has already been granted concession of regular bail by this Court vide order dated 10.5.2022 passed in CRM-M-450-2022.

The State counsel on instructions from ASI Balwan has admitted the fact that the aforesaid prosecution witnesses were declared hostile during the trial and they had not supported the case of prosecution. The State counsel has not refuted the contention of petitioner regarding grant of regular bail to co-accused Amit Atri.

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

Admittedly the petitioner is in custody since 3.3.2021 as is clear from the custody certificate furnished by the State counsel. It will take time for culmination of the trial. In view of the fact that the material witnesses have resiled, no purpose is going to be served by keeping the petitioner in

custody 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.

01.06.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No