

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

CRM-M-22340-2020

Date of decision: 30.08.2022

Harbir

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gautam Dutt, Advocate with
Mr. Jagmohan Ghuman, Advocate,
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.341 dated 06.12.2018, registered at Police Station Manesar, District Gurugram, under Sections 302, 34 and 120-B IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner submits that the above-noted FIR was got registered by complainant-Billu, brother of deceased-Sumer; that as many as seven accused have been arraigned in the present FIR and that it was a blind murder. He further contends that the alleged occurrence took place on 05.12.2018; that on 21.01.2019, co-accused Chand Ram @ Chand was arrested in some other case wherein he suffered a disclosure statement that he alongwith co-accused Harbir (present petitioner) and Amit @ Meeta had killed Sumer Singh, on being asked by Sube Gujjar.

Learned counsel further contends that the petitioner was not named in the FIR; that the petitioner has been indicted in the present case on the disclosure statement suffered by aforesaid co-accused Chand Ram @ Chand. He further contends that on the basis of supplementary statement recorded by the complainant on 26.02.2019, co-accused Uday was arrested in the present case on 29.03.2019; that on the disclosure statement of co-accused Uday, Hari Om and Rajesh @ Fauji have been indicted in the present case; that aforesaid co-accused, namely, Uday, Hari Om and Rajesh @ Fauji have since been granted the concession of regular bail by learned Addl. Sessions Judge, Gurugram.

Learned counsel further contends that complainant-Billu, while appearing before the trial Court as PW 1, has not supported the prosecution version and has been declared hostile; that out of 42 prosecution witnesses, only 05 witnesses have been examined so far, and that the petitioner has been in custody since 01.06.2019. On this premise, learned counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner alongwith co-accused Chand Ram @ Chand and Amit @ Meeta had shot Sumer Singh dead; and that there were 10 bullet injuries on the person of the deceased. However, he does not dispute the fact that PW 1 complainant-Billu has not supported the prosecution version.

I have heard the learned counsel for the parties.

It is a blind murder case. The petitioner has been indicted in the present case on the disclosure statement of co-accused Chand Ram @ Chand. As stated above, co-accused, namely, Uday, Hari Om and Rajesh @

Fauji, who were also indicted on the disclosure statements, have since been granted the concession of regular bail by learned Addl. Sessions Judge, Gurugram. The complainant while appearing before the trial Court as PW 1, has not supported the prosecution version and has been declared hostile.

The petitioner has been in custody since 01.06.2019. Out of 42 prosecution witnesses, only 05 witnesses have been examined so far. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

30.08.2022

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No