

CRM-M-30419-2021

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

CRM-M-30419-2021

Date of decision: 19.01.2022

Shashi Pal alias Pali

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Atul Lakhanpal, Sr. Advocate with
Ms. Srishti Sharma, Advocate,
for the petitioner.

Ms. Ambika Sood, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.219 dated 16.09.2020, registered at Police Station Bass, District Hisar, under Sections 147, 148, 302, 307 and 120-B IPC and Section 25 of the Arms Act, 1959.

Learned Senior Counsel for the petitioner submits that the petitioner was not named in the FIR; that it was after 15 days of the alleged occurrence, the complainant made a supplementary statement that he came to know from his own sources that the petitioner was a conspirator of the occurrence, alongwith co-accused; that Manjit, Bhagat Singh and Rambhaj, who were named in the FIR as assailants, have been declared innocent by the investigating agency, and that the petitioner has been in custody since

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07.10.2020.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner, contends that the petitioner had actively participated in the occurrence, and that during investigation, the petitioner suffered a disclosure statement to the effect that he alongwith co-accused was a conspirator in the occurrence. He further contends that on the disclosure statement of the petitioner, vehicle bearing registration No.HR-12AA-8313 (i-20 car), though originally owned by Sahdev, was recovered; that Sahdev suffered a statement under Section 161 Cr.P.C. that he had sold the vehicle to one Sunita wife of the petitioner, and that Sahdev had also produced a copy of the affidavit with regard to the said sale of the vehicle.

I have heard the learned counsel for the parties.

The allegation against the petitioner is of being a conspirator. Moreover, after 15 days of the alleged occurrence, the complainant made a supplementary statement that he came to know from his own sources regarding the involvement of the petitioner in the occurrence as a conspirator. As stated above, Manjit, Bhagat Singh and Rambhaj, named in the FIR, stand declared innocent. The petitioner has been in custody since 07.10.2020. The charges have already been framed. Out of 30 prosecution witnesses, none has been examined so far. Trial of the case would take time to conclude. 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

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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.

19.01.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No