

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

CRM-M-31206-2022

Date of decision: 26.07.2022

Shakti @ Bholu

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vinod Ghai, Sr. Advocate with
Ms. Kanika Ahuja, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.367 dated 03.09.2020, registered at Police Station Pataudi, District Gurugram, under Sections 302, 307, 120-B IPC, Section 25 of the Arms Act, 1959 (Sections 147, 148, 149 IPC deleted later on) and Section 285 IPC (added later on).

Learned Senior Counsel for the petitioner contends that in the above-noted FIR got registered by complainant-Jai Bhagwan, the petitioner was not named; that even in the disclosure statement of co-accused Tarachand alias Sadhu, recorded on 04.09.2020, the petitioner was not named; that thereafter, on 13.10.2020, the investigating agency recorded the supplementary statement of the complainant, and the statements of witnesses, namely, Vikram and Vishal, under Section 161 Cr.P.C., wherein name of the petitioner had cropped up and that role ascribed to the petitioner is of a conspirator. Moreover, the complainant while appearing as a prosecution witness, has attributed the role of a conspirator to the petitioner.

Learned Senior Counsel further contends that there is no evidence against the petitioner, connecting him with the alleged murder; that the petitioner did not have any motive to be one of the conspirators;

that even no active role in the alleged conspiracy has been assigned to the petitioner, and that the petitioner has been in custody since 09.09.2020.

Learned State counsel, on the other hand, opposes the grant of bail to the petitioner. However, he does not dispute that the role attributed to the petitioner is of a conspirator. Out of 42 prosecution witnesses, only 02 witnesses have been examined so far.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR. His name cropped up in the supplementary statement of the complainant and the statements of witnesses, namely Vikram and Vishal, recorded on 13.10.2020. The role ascribed to the petitioner is of a conspirator. The petitioner has been in custody since 09.09.2020. The prosecution witnesses are yet to be examined. 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, and further subject to his furnishing an undertaking before the trial Court that he shall not make any inducement, threat or promise directly or indirectly to the witnesses or to any other person acquainted with the facts of the case to dissuade him from disclosing such facts to the trial Court.

26.07.2022

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No