

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

CRM-M-36718-2021

Date of decision : 05.04.2022

Rohit @ Gogli**....Petitioner****Vs.****State of Haryana****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Surender Saini, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.
Mr. Akashdeep Singh, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.594 dated 24.11.2020 under Sections 302, 120-B, 201, 34, 346 and 364 Indian Penal Code, 1860 and Section 25 Arms Act, 1959 registered at Police Station Kundli, District Sonapat, who is in custody since his arrest on 12.12.2020.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Sonapat in the order dated 20.07.2021 are as under:-

“In brief, the case of the prosecution is that on 24.11.2020 complainant-Inderpal got registered the present case, inter alia, on the allegations, that he has five children and Rajiv is youngest among all, who is doing agricultural work. On 18.11.2020, Rajiv had gone to Narela, for purchasing the Spray medicine, but he did not return till late night and so some persons, got confined him in hiding manner and a request was made to take legal action. On this, FIR No.594 dated 24.11.2020 was registered.”

Learned counsel for the petitioner has argued that complainant-Inderpal had lodged the report regarding missing of his son, namely, Rajiv and

later on, as per prosecution the son of the complainant was found murdered and the entire case is based upon the disclosure statement of co-accused, namely, Dikshit @ Deepak, Akshay @ Goli and Vikas @ Kalla. He submits that in alleged commission of offence of murder, no role has been attributed to the petitioner, as he has been implicated on the ground that after commission of said offence, the three accused took one country made pistol and three bullets from him. He submits that case of the petitioner is distinguishable from the other co-accused as no overt act is attributed to him, and the case of the prosecution is based upon circumstantial evidence, therefore, his further custody may not be necessary as still 19 witnesses remain to be examined. He prays for bail.

On the other hand, learned State counsel assisted by ASI Sandeep as well as Mr. Akashdeep Singh, learned counsel for complainant has opposed the prayer and argued that as per the disclosure statement of co-accused-Vikas @ Kalla and Deepak, it was the petitioner, who provided the fire arm weapons to the co-accused. According to him, only 08 prosecution witnesses have been examined so far out of total 27 witnesses.

After hearing learned counsel for the parties and considering the above background, this Court finds that the conclusion of trial will take considerable time as nineteen prosecution witnesses still remain to be examined, whereas the petitioner is in custody since 12.12.2020, and presently confined in judicial custody, therefore, his further detention behind the bars may not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

05.04.2022

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No