

CRM-M-33157-2020

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

CRM-M-33157-2020

Date of decision: 31.03.2022

Amar Singh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rakesh Nehra, Sr. Advocate with
Mr. Sauhard Singh and Mr. Atul Ravish, Advocates,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.173 dated 05.05.2017, registered at Police Station N.I.T.Faridabad, District Faridabad, under Sections 302, 392, 397 and 201 IPC and Section 25 of the Arms Act, 1959.

Learned Senior Counsel for the petitioner contends that entire case of the prosecution is based on the disclosure statements of the accused; that while in custody since 24.05.2017, the petitioner was released on interim bail, vide order dated 28.10.2020 passed by a Coordinate Bench; that thereafter, the petitioner surrendered before the concerned authority on 12.11.2021; that the petitioner never misused the aforesaid concession of interim bail; that co-accused, namely, Rahul @ Sher Singh, who was major at the time of the alleged occurrence, stood released on regular bail by learned Additional Sessions Judge, Faridabad, vide order dated 23.08.2018 (Annexure P-2); that the petitioner is alleged to be a juvenile at the time of

the occurrence; that the petitioner has been suffering incarceration since 03

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years and 10 months; that the prosecution witnesses are yet to be examined, and that so far as two other cases pending against the petitioner, are concerned, he stands released on bail therein. On this premise, the learned Senior Counsel prays that the petitioner be released on regular bail.

On the other hand, learned State counsel, while opposing the aforesaid submissions made by the learned Senior Counsel for the petitioner, submits that the petitioner is the main accused; that in his disclosure statement, the petitioner has admitted his guilt; that the petitioner stands convicted in three other cases, and that out of 25 prosecution witnesses, only 18 witnesses have been examined.

I have heard the learned counsel for the parties.

The case of the prosecution is based on the disclosure statements of the accused. Out of 25 prosecution witnesses, only 18 witnesses have been examined. As stated above, the co-accused stands enlarged on regular by the learned Additional Sessions Judge, Faridabad. The petitioner has been in custody since 03 years and 10 months. 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 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.

31.03.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No