

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

CRM-M-40004-2021 (O&M)

Date of decision: 01.04.2022

Amit @ Mitta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sanjeev Kadian, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.693 dated 06.06.2017, registered under Sections 302, 120-B read with Section 34 IPC and Section 25 of the Arms Act, at Police Station Panipat City, District Panipat.

Learned counsel for the petitioner submits that as per the statement of PW-1, namely, Rajo @ Rajdevi, it was Sanjeet who had committed the murder by attributing a firearm injury on the person of the deceased and not the petitioner herein and no injury has been attributed to the petitioner. Sanjeet has also been identified as an accused by Rajo @ Rajdevi. He further submits that the petitioner is similarly situated as Ashok @ Hutter, who has already been granted the concession of regular bail by this Court on 08.03.2021. Still further, it is submitted that the allegation against the

petitioner is that he along with the co-accused were standing on motorcycles near the red light; that another co-accused, namely, Rakesh, has also been granted the concession of regular bail by this Court vide order dated 14.07.2021; that as far as 06 (six) other cases registered and/or pending against the petitioner are concerned, the petitioner stands acquitted in 04 (four) cases, is on bail in two (two) cases. The petitioner has been in custody since 09.11.2018.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel submits that there are 06 (six) more cases registered and/or pending against the petitioner and he along with other co-accused has actively participated in the crime. However, he does not dispute the custody period of the petitioner and the fact that co-accused Ashok @ Hutter, has already been granted the concession of regular bail by this Court on 08.03.2021. He submits that out of 51 prosecution witnesses, only five have been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 09.11.2018. The petitioner was indicted in the present case on the disclosure statement of co-accused Ashok @ Hutter, who has already been granted the concession of regular bail. No injury has been attributed to the petitioner. Some of the prosecution witnesses are yet to be examined. The conclusion of the trial would take a long time. Hence, 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 petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

01.04.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No