

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

CRM-M-44023-2021 (O&M)
Date of decision: 21.01.2022

Sandeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Akashdeep Singh, Advocate for the petitioner.

Mr. S.S. Pannu, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 201 dated 16.06.2020, under Sections 148, 149, 285, 302, 506 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Sadar Rohtak, District Rohtak.

Reply by way of affidavit dated 29.12.2021 of the Deputy Superintendent of Police, Rohtak, already filed in the Registry, is taken on record.

Learned counsel for the petitioner submits that the complainant, brother of the deceased, has got registered the present FIR indicting Pardeep, Swaraj, Vikram, Meena and Mukesh, being assailants. On the same date, Mohit (son of the deceased) and Rajesh (cousin of the deceased) had also got

their statements recorded under Section 161 Cr.P.C. on the same lines of the version recorded by the complainant in the FIR. In his supplementary statement, recorded after a period of 12 days i.e. on 28.6.2020, the complainant changed the place of occurrence as well as the details of the accused/assailants. In the changed version, the role attributed to the petitioner is that he was standing on the way on a white scooty. The petitioner has been in custody since 26.08.2020. As far as other 13 cases against the petitioner are concerned, in 9 cases he stands acquitted and in one case he has undergone the sentence and in 3 cases he is on bail. Co-accused Rinku, has already been granted regular bail by this Court, vide order dated 19.08.2021.

On the other hand, learned State counsel while opposing the prayer made in the present petition, submits that the petitioner is a habitual offender, he is involved in total 14 cases (including the present case), in case he is released on regular bail, he can pressurise the prosecution witnesses. However, he does not dispute the custody period of the petitioner. He further submits that in the present case, out of 26 prosecution witnesses, none has been examined so far.

I have heard the learned counsel for the parties.

In the present case, the only allegation against the petitioner is that he hatched a conspiracy with the assailants and, thus, the occurrence in question took place, which is based on a documentary evidence. Moreover, the petitioner has been shown to be standing on the way on the white scooty. Co-accused Rinku is on regular bail. In other 13 cases, in 9 cases, the

petitioner stands acquitted, in one case he has already undergone the sentence and in three cases he is on bail.

The petitioner has been in custody since 26.08.2020. The prosecution witnesses are yet to be examined. The trial will take time to conclude. 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. The petitioner would not influence the prosecution witnesses in any manner.

However, the prosecution will be at liberty to file an application for cancellation of the regular bail granted to the petitioner, if he is found involved himself in such type of activities in future.

(HARNARESH SINGH GILL)
JUDGE

21.01.2022
Mangal Singh

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