

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

**CRM-M-42055-2022
Decided on : 19.09.2022**

Rinku @ Bunt

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner –Rinku @ Bunt, who has been booked for having committed the offence punishable under Sections 302, 201, 120-B IPC and Sections 25, 54, 59 of Arms Act, in FIR No. 176, dated 22.07.2021, registered at Police Station Pillukhera, District Jind.

Learned counsel for the petitioner submits that neither name of the petitioner nor any role is mentioned in the FIR, whereas specific names of three assailants i.e. Jagphul, Rahul and Ravinder sons of Satbir is already there. Learned counsel for the petitioner submits that once all three real brothers are named in the FIR and petitioner is not directly related or connected in any manner with either side, there can not be any reason with the petitioner to get involved in such a heinous crime and, thus, in the absence of mens rea, petitioner's involvement seems baseless without there-being any evidence. He further contends that named accused Jagphul and Ravinder are already found innocent and they have been kept in column No.

2 by the police officials. Learned counsel for the petitioner further contends that name of the petitioner has been indicted in the present case only on the basis of disclosure statement which is otherwise an inadmissible evidence except of recovery part. It is also submitted that recovery in the present case is effected before recording of the said disclosure statement, therefore, also such disclosure statement carries no value as recovery was effected prior in time. He further submits that petitioner is a young boy aged about 25 years and inside jail since 31.12.2021. It is further submitted that no other case is pending or registered against him and trial would take sufficient time to conclude. Thus, prays, regular bail for the petitioner.

On the other hand, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, submits that petitioner is directly involved in the matter and his active participation is clear from the fact that he had arranged the alleged weapons from the out-state and prosecution has ample evidence to prove the same. However, he does not dispute the fact that offence under Section 420 IPC has been added on the ground that a fake number plate was allegedly installed by the petitioner. He further contends that petitioner is involved in one more case which pertains to the offence of theft only.

I have considered the submissions of both the sides, and perused the material available on record with their able assistance. Taking into consideration the age of the petitioner and the period of actual custody already undergone by the petitioner, no purpose would be served by keeping the petitioner inside jail, especially, when trial is moving very slow, as out of 22 prosecution witnesses none has been examined so far. Otherwise also, prosecution is relying upon the disclosure statement only of co-accused for proving the offence of conspiracy. Therefore, I deem it appropriate to enlarge

the petitioner on bail to the satisfaction of the trial Court.

In view of the aforementioned facts and circumstances of the case and the submissions made by the parties, present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing heavy bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

(SANJAY VASHISTH)
JUDGE

September 19, 2022

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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*