

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

217

**CRM-M-44350 of 2020
Date of Decision:19.01.2022**

Raj Kumar @ Rajan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Anmol Malik, DAG, Haryana

Mr. Sanjay Vashisth, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

Vide this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.285, dated 05.12.2017, having been registered at Police Station Hassanpur, District Palwal, alleging therein the commission of offences punishable under Sections 148, 149, 302, 120-B, 216 of the IPC, as also Section 25 of the Arms Act, 1959.

Pursuant to the order of this court dated 02.12.2021, a report has been received from the learned Addl. Sessions Judge, Palwal, dated 15.12.2021, stating therein that there are 43 witnesses for the prosecution out of which 7 can be considered to be material witnesses and with 3 of such witnesses having been

examined as of that date.

The police is also stated to have filed a supplementary report under Section 173 of the Cr.P.C., (as regards the petitioner), after which the trial does not seem to have progressed for one reason or the other, essentially for non-production of some accused from Ghaziabad (U.P.)

Learned State counsel, on query, submits that as per his instructions only three prosecution witnesses could be examined so far by the trial court out of the said 43 witnesses.

Learned counsel for the complainant however submits that it being a case of a double murder, the petitioner may not be admitted to bail.

Learned counsel for the petitioner on the other hand submits that, firstly, the petitioner has been implicated by the complainant because in an earlier case also he was named as an accused by the complainant, but with him having been found innocent in that case, he has been named as an accused in the present case also.

He next submits that the petitioners' role as per his alleged disclosure statement, as recorded in the supplementary *challan*, is that he disclosed the location of the deceased to his co-accused but at the time when the deceased was shot upon, the petitioner had "stepped aside".

Last, he submits that the petitioner having been in custody now for 2½ years, looking at the stage of the trial and the role attributed to the petitioner, and the entire circumstances taken together, he may be admitted to bail.

Having considered the matter as contended on both sides, without making any comment on the actual merits of the case, with the petitioner not stated

to be an accused in any other FIR presently (he having been acquitted/found innocent in the other FIRs registered against him), the petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial court.

January 19, 2022
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No