

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

CRM-M-49419-2021 (O&M)

Date of decision: 08.08.2022

Ajit @ Baba

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.S. Khurana, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

CRM-25998-2022

Application is allowed as prayed for. Annexure P-10 is taken on record.

Main case:

Through this petition, the petitioner seeks regular bail in case bearing FIR No.73 dated 30.03.2019, registered at Police Station Bawal, District Rewari, under Sections 346, 302, 379-B, 506 and 201 read with Section 34 IPC.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR; that the FIR was lodged on the complaint of Bhoor Singh, brother of Ramkesh (since deceased); that the complainant has recorded two supplementary statements, in his first supplementary statement recorded on 31.03.2019, he named six persons including the petitioner, but in

his second supplementary statement he stated that the petitioner has no guilt; that Sombir, eye witness, has been declared hostile; that petitioner has been in custody since 03.04.2019; that two co-accused Bharat Lal @ Bhartu and Ravinder Kumar, have already been enlarged on bail, who were named in the second supplementary statement; that out of 21 prosecution witnesses, only 07 have been examined and that as far as other cases against the petitioner are concerned, he stands acquitted in 5 cases, in one case under Gambling Act he stands convicted and in all other cases he is on bail.

Learned State counsel, while vehemently opposing the prayer for bail, submits that there are specific allegations against the petitioner and he along with other co-accused snatched the purse, money from the deceased and after committing the murder of the deceased dumped the dead-body in the well. The petitioner is involved in 8 other cases. However, he does not dispute the custody period of the petitioner. He submits that out of 21 prosecution witnesses, 07 have been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 03.04.2019. The petitioner was named in supplementary statement and eye-witness, Sombir while appearing before the learned trial Court as PW-2 has not supported the prosecution version. Two co-accused are on bail. The remaining 14 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take 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

08.08.2022
Mangal Singh

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