

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

CRM-M-52554-2021 (O&M)

Date of decision: 23.05.2022

Narender @ Nabbu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mrs. Baljit Kaur Mann, Senior Advocate with
Ms. Sunita Gupta, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 341 dated 06.12.2018 registered under Sections 302, 201, 476, 482, 120-B IPC read with Section 34 IPC and Sections 25(1-B)(A), 27(1) of the Arms Act, at Police Station Manesar, District Gurugram.

Learned senior counsel for the petitioner submits that initially, the FIR was registered against three unknown persons; that it is a case of blind murder; that the petitioner has falsely been implicated in the present case; that the petitioner was not named in the FIR; that he was arrayed as an accused being the brother of main co-accused Chand Ram @ Chand and that the petitioner has been in custody since 10.08.2021.

Learned senior counsel also draws the attention of this Court towards the disclosure statement of Sube Singh @ Sube Gujjar recorded on

11.06.2021, wherein he stated that after the crime, Chand Ram @ Chand told him that he wanted to get one Satish Pehalwan murdered and had handed over .32 bore revolver, one 30 bore pistol and one country made pistol and another 32 pistol, to Chand Ram @ Chand through Narender @ Nabbu-petitioner.

Learned senior counsel for the petitioner further submits that as per the prosecution Harkesh @ Akku and Sanjay, to whom the petitioner had handed over the weapons used in the crime, were apprehended in FIR No. 270 dated 01.11.2019, registered under Sections 398, 401 IPC and Section 25 of the Arms Act, at Police Station Bawal, District Rewari, wherein the petitioner has already been granted the concession of bail vide order dated 31.08.2020 passed by the learned Additional District and Sessions Judge, Rewari; that the charges are yet to be framed and that as far as other cases are concerned, the petitioner is on bail in the said cases.

Learned State counsel, while vehemently opposing the prayer for bail submits that the petitioner is a habitual offender and is also involved in other cases of similar nature. However, he does not dispute the custody period of the petitioner and the fact that the petitioner has been indicted on the basis of the disclosure statement of the co-accused, He submits that out of 57 prosecution witnesses, only 01 has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 10.08.2021. The petitioner was indicted on the basis of disclosure statement of the co-accused. The only allegation against the petitioner is that Chand Ram @ Chand received weapons through the petitioner and an FIR No. 270 dated 01.11.2019, was registered against the petitioner and other co-accused, in

which the petitioner has already been granted the concession of bail. 56 prosecution witnesses are yet to be examined. 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

23.05.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No