

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

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**CRM-M-55706-2022 (O&M)
Date of decision: 06.12.2022**

Bhupender Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amitabh Tewari, Advocate and
Mr. Shivam Sharma, Advocate for the petitioner.

Mr. Gurbir Singh Dhillon, AAG Haryana.

Mr. Munish Mittal, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.137 dated 01.07.2020, registered at Police Station Chhappar, District Yamuna Nagar, under Sections 302, 201, 120-B and 34 IPC and Sections 25 and 29 Arms Act, 1959.

Learned counsel for the petitioner contends that it is a blind murder case. The petitioner was neither named in the FIR, got registered by Jaswinder Singh, brother-in-law of the deceased, nor in two supplementary statements dated 01.07.2020 and 13.07.2020, got recorded by Amarjit Singh-brother of the deceased. Still further, the petitioner was not named in the statement of Kuldeep Kaur-wife of the deceased, recorded on 13.07.2020. Though the role of one of the main conspirator has been attributed to the

petitioner but no motive has attributed to petitioner. The learned counsel further submits that the petitioner has been in custody since 16.07.2020, and that the statement of the material witness i.e. complainant has already been recorded. On this premise, the learned counsel prays that the petitioner be released on bail. Similarly placed co-accused Ranbir Singh @ Rana has already been granted regular bail by this Court vide order dated 28.10.2022 and co-accused Manga Singh has also been granted regular bail by this Court vide order dated 10.12.2021. Out of 33 prosecution witnesses, only 14 have been examined so far. The petitioner is not involved in any other case.

On the other hand, learned State counsel and learned counsel for the complainant, while opposing the submissions made by the learned counsel for the petitioner for the grant of bail, contends that the petitioner has actively participated in the occurrence and recovery of one country-made pistol with two empty and one live cartridge have been effected from him. The petition for cancellation of bail granted to co-accused Manga Singh has been filed and the same is pending. Learned State counsel does not dispute the custody period of the petitioner and the fact that the petitioner is not involved in any other case. He submits that out of 33 prosecution witnesses, 14 have been examined.

Learned counsel for the complainant further submits that the recovery of motor cycle used in the crime was also effected from petitioner.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR or even in the supplementary statements of Amarjit Singh and Kuldeep Kaur. No specific role has been attributed to the petitioner. The recovery has already been

effected from the petitioner. The petitioner has been in custody since 16.07.2020. Remaining 19 prosecution witnesses are yet to be examined. Co-accused Ranbir Singh @ Rana, who is similarly placed, and co-accused Manga Singh are on regular bail. The petitioner is not involved in any other case. Trial is unlikely to conclude any time soon. Therefore, 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 present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

06.12.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No