

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-55063-2022 (O&M)
Date of Decision:-2.12.2022

Shri Niwas @ Ram Niwas

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Pankaj Chauhan, Advocate for
Mr. Manish Soni, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.132, dated 25.4.2019, Police Station Bhondsi, District Gurugram, under Sections 302, 201 and 34 of Indian Penal Code.
2. The FIR was lodged at the instance of Nepal Pal, wherein it is alleged that his father Sevak Pal @ Bajrangi was killed by four persons namely Kailash, Ashok, Mohan Swaroop and Chandra Pal. Subsequently on 29.4.2019, the complainant got his supplementary recorded wherein he named another three persons namely Sukhdev, Yogi @ Yograj and Ram Niwas @ Shri Niwas (petitioner).

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that he has been nominated as an accused on the basis of alleged supplementary statement, whereas when the complainant himself stepped into the witness-box as PW-6, he completely disowned the said supplementary statement and further stated in unambiguous terms that he cannot identify Yogi @ Yograj, Ram Niwas @ Shri Niwas (petitioner) and Sukhdev to be amongst the assailants.
4. Opposing the petition, learned State counsel has submitted that since the petitioner was specifically named in the supplementary statement by the complainant, it is apparently a case where the petitioner has been able to intimidate the complainant and to won him over. Learned State counsel has further submitted that the petitioner has otherwise remained a proclaimed offender for about 1½ years. It has been informed that the petitioner as on date has been behind bars since the last more than 2 years and 5 months. It has also been informed that 11 PWs out of the cited 32 PWs have been examined till date. Learned State counsel has further informed that the petitioner happens to be involved in one more case.
5. This Court has considered the rival submissions.
6. Learned State counsel has not disputed the fact that the complainant Nepal Pal, when examined during the proceedings of trial, has not supported the case of the prosecution qua the petitioner and has virtually given him a clean chit. The petitioner otherwise has been behind bars for a substantial period of more than 2 years and 5 months. Conclusion of trial is likely to consume time inasmuch only 11 PWs out of the cited 32 PWs have been examined so far. In these circumstances, further detention of the petitioner will not serve

any useful purpose as conclusion of trial is likely to consume time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

2.12.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No