

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

225

CRM-M-57165-2022

Date of Decision: 13.12.2022

Deepak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. R.A.Sheoran, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Narender Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.19 dated 12.01.2022 at Police Station Bhiwani City, District Bhiwani, under Sections 120-B/148/149/302/323/364/427/452/506 IPC.
2. The FIR was lodged at the instance of Saurabh Singh, wherein it has been alleged that on 11.01.2022, when he alongwith his friend Ravi was present near his office, they were attacked by 10/15 young persons with muffled faces, who were carrying sticks, bricks, knives etc. It has been alleged that Ravi died on account of injuries sustained by him. The complainant suspected that Hariya @ Hari Kishan had caused injuries to him alongwith his other companions.

3. It is further the case of the prosecution that said Hariya @ Hari Kishan was arrested on 13.01.2022 and who suffered a disclosure statement on 14.01.2022 to the effect that Naveen @ Dhillu, Varun and Kamal @ DC were also accompanying him. Said Hariya @ Hari Kishan made another disclosure statement on 15.01.2022, wherein he disclosed the names of 7 more accused i.e. Vikas @ Mota, Deepak @ Khali, Piyush @ Bacchi, Neeraj @ Jhallar, Ajay @ Thappa, Sunil @ Sussa and Narender. Vikas @ Mota was arrested on 14.04.2022 and who disclosed that the petitioner was also associated with them, who had conducted *recce* of the place of occurrence.
4. Learned counsel for the petitioner has submitted that he has falsely been nominated as an accused in the present case after about 3 months of the occurrence and that too on the basis of disclosure statement made by co-accused, which would hardly carry any evidentiary value. It has further been submitted that even if the disclosure statement made by the co-accused is accepted to be correct, still the petitioner is not stated to have inflicted any injury to the complainant or to the deceased and is merely alleged to have conducted *recce* of the place of occurrence.
5. Opposing the petition, learned State counsel has submitted that the petitioner had conspired alongwith the remaining co-accused for the purpose of committing murder and that by conducting *recce* of the place of occurrence, he had facilitated the co-accused to commit the offence in question and as such, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 7 months and that he is not involved

in any other case. It has also been informed that as on date none out of cited 58 PWs has been examined.

6. This Court has considered rival submissions.
7. It is not in dispute that the petitioner is not amongst the assailants, who had inflicted injuries to the complainant and to the deceased. The role attributed to the petitioner is that he had conducted *recce* of the place of occurrence, as has been disclosed by co-accused Vikas @ Mota. The admissibility and veracity of disclosure statement made by co-accused Vikas @ Mota would be debatable. In any case, the petitioner has been behind bars for the last more than 7 months and is not stated to be involved in any other case. In these circumstances, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time inasmuch as none out of cited 58 PWs has been examined till date. 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.

13.12.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**