

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

CRM-M-2377-2023 (O&M)
Date of Decision:-**29.05.2023**

HIMMAT SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Jagdeep Jaspal, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

1. Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.168 dated 2.9.2020 registered for the offences punishable under Sections 148, 149, 302, 323, 440, 459, 395, 212, 201, 325, 120B IPC and Sections 25 of Arms Act at Police Station Bhattu Kalan, District Fatehabad.
2. As per the allegations recorded in the FIR, on 1.9.2020, complainant-Dinesh Kumar along with Sandeep, Anil and Jasbir was present in the office situated in liquor vend. At about 8/8:15 p.m. three vehicles

stopped in front of the office and Ramesh, Leellu Ram, Mewa Singh, Sahil along with 10/12 unknown persons got down from said vehicles. Sahil was armed with pistol while the other persons were carrying fire arms and iron rods and then Ramesh asked them to come out of the office and then aforesaid Ramesh, Leelu, Mewa Singh and Sahil entered the office and then Sahil proclaimed that they are sent by Jaiveer to take revenge and then Ramesh fired from his pistol towards Sandeep and then Leelu, Mewa Singh and Sahil also started firing from their pistols. The shot fired by Ramesh hit in the stomach of Sandeep while shot fired by Leelu hit on the left arm of Sandeep while shot fired by Mewa Singh hit on the right foot of Sandeep while the shot fired by Sahil hit on the wall of office and aforesaid 10-12 unidentified persons armed with iron rods also attacked them and caused injuries on the head and other parts of the body of Anil. They also ransacked the entire office and took away amount of Rs.2.5 lakh, which was lying in the office. Later on Sandeep died when he was taken to the hospital. Injured Anil was also medico legally examined.

3. Counsel for the petitioner *inter alia* contends that the petitioner was not named in the FIR and later on, falsely implicated in the present case and is in custody for the last more than 1 years and 6 months. He further submits that material witnesses namely eye witness/Anil Kumar and complainant-Dinesh Kumar are examined during trial. He further contends that as per police, during investigation, the petitioner got recovered one wooden rod and some cash. It is further submitted that there are no specific allegations against the petitioner regarding

his involvement in the murder of Sandeep. It is further contended that even during trial, aforesaid PWs namely Anil Kumar and Dinesh Kumar had not specifically named the petitioner and no specific act is attributed to him. It is further submitted that it will take considerable time for the trial to conclude and further, similarly situated co-accused Subhash Chander, Rakesh @ Raka, Sudhir, Sanjay and Virender @ Binder are enlarged on bail and copies of their bail orders are placed on record. So, prayer is made that the petitioner be released on regular bail.

4. Reply by way of an affidavit of Mr.Shukarpal Siraswal, DSP, Fatehabad filed on behalf of the State along with documents Annexure R-1 to Annexure R-4 are ordered to be taken on record.
5. Instant petition is contested by the State counsel who submits that the petitioner conspired with other accused persons and provided wooden *dandas* and iron rods to his companions which were used by them at the time of the occurrence which resulted in the death of Sandeep and one Anil Kumar sustained injuries. State counsel further submits that the trial is going on and the complainant and injured/eye witness Anil while appearing in the witness box has supported the case of the prosecution. It is further submitted that taking into consideration the gravity of the offence, the petitioner is not entitled to grant of regular bail at this stage. However, the State counsel has not disputed the fact that similarly situated co-accused Subhash Chander, Rakesh @ Raka, Sudhir, Sanjay and Virender @ Binder are already given concession of regular bail by this Court.

6. I have considered the submissions made by the counsel for the parties.
7. Admittedly, the petitioner was not named in the FIR and was later on, named as accused and is in custody for the last more than one year and six months. During investigation, one wooden rod and cash worth Rs.500/- is stated to be recovered at the instance of the petitioner. However, no specific injury or act has been attributed to the present petitioner. The complainant and injured eye witness are already examined and as such, there is no apprehension that if released on bail, the petitioner is going to influence them. Some of the similarly situated co-accused are already released on bail. Till date, only 6 prosecution witnesses have been examined and it will take time for conclusion of trial. The exact complicity of the petitioner will be adjudicated during trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.
8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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