

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

213

CRM-M-2865-2023 (O&M)

Date of Decision: 10.08.2023

ATUL @ DOLI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Additional AG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.72 dated 11.03.2021, registered under Sections 307, 323, 34, 506 IPC and Sections 302 and 325 IPC (added) and Section 307 IPC (deleted later on), at Police Station Dharuhera, District Rewari.

Status report by way of an affidavit dated 12.07.2023 of the Additional Superintendent of Police, District Rewari, filed on behalf of the respondent-State, in the Registry, is taken on record. Copy whereof has already been supplied to the learned counsel opposite.

Learned counsel for the petitioner submits that neither the petitioner has been named in the FIR, nor any specific role has been attributed to him; that the petitioner was indicted on the basis of the disclosure statement of co-accused, namely, Surrender, who has since been granted the concession of regular bail by a Coordinate Bench of this

Court, vide order dated 12.12.2022 and that another co-accused, namely, Kuldeep, has also been granted the concession of regular bail by a Coordinate Bench of this Court, vide order dated 11.05.2022. He further submits that, as per the allegations, Surrender was driving the car, in which the petitioner was sitting at the back seat and when the said car hit the motorcycle of the deceased; that the alleged occurrence took place on 11.03.2021, whereas Rahul has since expired on 12.04.2021 and that the petitioner has been in custody since 05.02.2022. Still further, it is submitted that out of total 39 prosecution witnesses, only 3 have been examined so far, including the complainant.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he was sitting in the car, which was intentionally hit by co-accused/Surrender against the motorcycle of Rahul, who has expired on 12.04.2021, on account of the multiple injuries sustained by him. He further submits that material witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 05.02.2022. The petitioner was not named in the FIR and has been indicted on the basis of the disclosure statement of the co-accused. The only allegation against the petitioner is that he was sitting in the car, which was driven by

Surender, when the accident took place on 11.03.2021. Rahul has since expired on 12.04.2021. Two other co-accused have since been enlarged on bail. Complainant has already been examined and most of other witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, 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/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10.08.2023

(HARNARESH SINGH GILL)
JUDGE

Aman Jain

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>