

2023:PHHC:071578

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208-A

CRM-M-8722-2023 (O&M)

Date of Decision: 17.05.2023

SAHIL @ KALE

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ashwani Bhardwaj, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

Mr. Amit Khatkar, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Through this 3rd petition, the petitioner seeks regular bail in case bearing FIR No.29 dated 10.02.2020, registered at Police Station Julana, District Jind, under Sections 201, 285, 302, 506, 34 and 120-B IPC and Section 25 of the Arms Act, 1959, the earlier two bail petitions having been dismissed as withdrawn vide orders dated 31.08.2021 and 07.09.2022 respectively.

Learned counsel for the petitioner submits that Sandeep (complainant) along with Dinesh are the eye-witnesses in the present case; that the complainant in his statement has only named Dashrath and Chhotta Ram as assailants, both are the residents of the village of the complainant; that the petitioner and Rohit @ Hunny, have been indicted

on the basis of the disclosure statement of co-accused, namely, Dharmbir @ Manjit; that Rohit @ Hunny has already been granted the concession of regular bail by this Court, vide order dated 15.12.2020 and that the petitioner has been in custody since 19.02.2020. He further submits that there is no other case registered and/or pending against the petitioner and that out of 39 prosecution witnesses, only 3 have been examined, so far.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel and learned counsel for the complainant do not dispute the custody period of the petitioner.

Learned State counsel submits that the petitioner had actively participated in the occurrence, inasmuch as, Dharmbir @ Manjit, in his disclosure statement, has specifically stated that it was the petitioner and Rohit @ Hunny, who have committed the murder of Virender. She further submits that knife, mobile phone and SIM card were recovered from the petitioner and that the material witnesses are yet to be examined and thus, the petitioner does not deserve the concession of regular bail.

I have heard the learned counsel for the parties.

The complainant (who is also the eye-witness) in his first version has only named Dashrath and Chhotta Ram as assailants, who belong to the Village of the complainant and has not raised any specific allegation against the petitioner. The petitioner along with Rohit @ Hunny were indicted on the basis of the disclosure statement of co-accused, namely, Dharmbir @ Manjit. Co-accused, namely, Rohit @ Hunny, has already been enlarged on bail. The petitioner has been in

19.02.2020. There is no other case registered and/or pending against the petitioner. Prosecution 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.

17.05.2023

(HARNARESH SINGH GILL)

Aman Jain

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No