

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

CRM-M No.18206 of 2023
Date of decision: 14th July, 2023

Sagar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajesh K. Bhagal, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.182 dated 25.05.2022 under Sections 148, 149, 302 IPC (Sections 201, 120-B IPC added later on) registered at Police Station Narwana Sadar, District Jind.

2. Learned counsel for the petitioner inter alia submits that though it was a case of eye-witness account, wherein the deceased was allegedly assaulted with sticks by the co-accused, however, the petitioner was not named therein. He submits that it was after about one month of the occurrence in question, a disclosure statement was allegedly suffered by co-accused Anil alias Vicky, who for the first time nominated the petitioner as an accused and stated that he too was present at the time of alleged occurrence. Learned counsel submits that

such disclosure statement does not have any evidentiary value and still further, there was no motive on the part of the petitioner to have been present along with co-accused at the place of occurrence, much less to commit the crime in question. Learned counsel further submits that after the challan was presented on 15.09.2022, the trial has come to a virtual stand still, as even charges have not yet been framed. He submits that as many as 36 prosecution witnesses have been cited and hence, in the circumstances, the trial would take considerable time to conclude. Learned counsel prays for extending the concession of bail to the petitioner as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Pawan has not been able to controvert that the petitioner was neither named in the FIR in question nor had been attributed any injury on the person of the deceased even in the disclosure statement suffered by co-accused Anil alias Vicky. However, he submits that the petitioner was present along with co-accused and hence, he was an active participant in the crime in question.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody since 09.07.2022 and the trial shall take a considerable time to conclude as charges have

yet not been framed. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 14, 2023
rps

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