

CRM-M- 18927-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 25.04.2023

Rajat alias Golu

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amitabh Tewari, Advocate and
Mr. Shivam Sharma, Advocate,
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case FIR No.33 dated 24.02.2021, registered at Police Station Jathlana, District Yamuna Nagar, under Sections 148, 149, 323, 302, 120-B IPC, and Section 25 of the Arms Act, 1959 (which was removed vide challan dated 22.07.2021).

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner was not named in the FIR but has been indicted in the present case on the disclosure statement of the co-accused; that even in their statements under Section 161 Cr.P.C., the complainant and one eye-witness, Anit Kumar had not

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attributed any injury to the petitioner; that no recovery of weapon had been effected from the petitioner.

Learned counsel for the petitioner further contends that no test identification parade of the petitioner had been conducted; that there are material contradictions/improvements in the statements of material prosecution witnesses, and that the petitioner has been in custody since 01.03.2021.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner alongwith the co-accused had actively participated in the occurrence and Ankit (since deceased) was beaten to death with *gandasis*, swords, iron rods and danda, and that PW 5 Anit Kumar specifically stated in the cross-examination that the petitioner had given *danda* blow on the person of Ankit (since deceased). She further contends that recovery of scooty had been effected from the petitioner.

I have heard the learned counsel for the parties.

Indisputably, the petitioner was not named in the FIR. He has been indicted in the present case on the disclosure statement of co-accused, Rajesh Kumar @ Banta. The petitioner has been in custody since 01.03.2021. The material witnesses i.e. complainant and eye-witness Anil Kumar have already been examined and the remaining witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is

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allowed and the petitioner is ordered to be released on bail on his
furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

25.04.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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