

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

CRM-M-24764-2022

Date of decision: 21.03.2023

Aman

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Lalit Kumar Narang, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

Petitioner has filed the present petition under Section 439 Cr.PC seeking regular bail in case FIR No.595 dated 23.12.2021 under Sections 148/149/302/201/202/204/120-B/212/505/507 of IPC, 1860 and Sections 25/54/59 of the Arms Act, 1959 registered at Police Station Meham, District Rohtak (Annexure P-1).

The case of the prosecution is that on 23.12.2021, complainant Guddi w/o Ashok moved an application to the SHO, P.S. Meham, District Rohtak to the effect that she was going to the shop of her husband Ashok for giving tea. Her husband is having shop of tailor at Saiman to Puthi Road. When she reached the shop of her husband, she saw three boys with muffled face running on motorcycle and her husband was lying on the ground after being shot. She did not know who had shot to her husband. She prayed that action be taken against the culprits. On receiving the complaint, FIR under Sections 302/34 of Indian Penal Code, 1860 and 25/54/59 of Arms Act, 1959 was registered.

On issuance of notice of motion, reply by way of affidavit of

Hemendra Kumar Meena, Additional Superintendent of Police, Meham, District Rohtak has been filed on behalf of the respondent-State of Haryana wherein role of the petitioner has been stated in para No.19, which is reproduced as under:-

“That the specific role of the petitioner is that he was in regular contact with accused Rohit as accused Rohit used to make WhatsApp call on his mobile No.9728503600 from jail and he asked him to arrange the motorcycle. Upon which he borrowed the motorcycle of Sandeep Bedwa for some work and handed over the same to accused Manjeet and Manjeet handed over the same to Amit @ Don. The petitioner also disclosed that he has broken the mobile and SIM used by him in the incident and delete the whole data of phone.”

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and has been nominated as an accused on the disclosure statement made by co-accused Rohit, who has already been granted concession of regular bail by the Court of Ld. Additional Sessions Judge, Rohtak vide order dated 30.01.2023. He further submits that role of the petitioner is in parity with the role of co-accused. He further submits that another co-accused Deepak has also been granted concession of regular bail by the Court of Ld. Additional Sessions Judge, Rohtak vide order dated 21.07.2022 and another co-accused Sumit @ Chhota @ Dhillu has also been granted concession of regular bail by the Ld. Additional Sessions Judge, Rohtak vide order dated 28.10.2022. Another co-accused Sonu @ Sonia has also been granted concession of regular bail by the Ld. Trial Court vide order dated 17.01.2022 (Annexure P-4). He submits that the petitioner is in custody since 04.01.2022; charges have been framed and out of 43 witnesses none has been examined and the trial proceedings are now fixed for hearing on 07.05.2023.

Per contra, learned State counsel, while placing on record the custody certificate of the petitioner, has opposed the prayer made by the

learned counsel for the petitioner for grant of regular bail stating that keeping in view the nature of allegation levelled against the petitioner, he is not entitled for grant of regular bail, however, he could not deny the fact that others co-accused Rohit, Deepak, Sumit @ Chhota @ Dhillu and Sonu @ Sonia have been granted concession of regular bail vide orders dated 30.01.2023, 21.07.2022, 28.10.2022 and 17.01.2022.

I have heard learned counsel for both the parties and perused the record.

Keeping in view the custody period of the petitioner which is of 01 year 2 months and 8 days; other co-accused namely Rohit, Deepak, Sumit @ Chhota @ Dhillu and Sonu @ Sonia have already been granted concession of regular bail by the Court of Ld. Additional Sessions Judge, Rohtak/SDJM, Rohtak vide orders dated 30.01.2023, 21.07.2022, 28.10.2022 and 17.01.2022; challan has also been presented; charges have been framed; none of the witnesses out of total 43 has been examined and the trial is likely to take considerable time to conclude. Therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Accordingly, the present petition stands disposed off.

21.03.2023

Parveen kumar

(NAMIT KUMAR)
JUDGE

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