

CRM-M-27806-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27806-2023

Date of decision: 18.08.2023

Neeraj

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr.Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate and
Mr. Pranshul Dhull, Advocate,
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case FIR No.353 dated 03.08.2022, registered at Police Station Sampla, District Rohtak, under Sections 302 and 34 IPC and Sections 201, 202, 365 and 120-B IPC (added later on).

2. Reply dated 27.07.2023 by way of affidavit of the Deputy Superintendent of Police, Sampla, filed in the Registry, is taken on record.

3. Learned Senior Counsel for the petitioner contends that the only role attributed to the petitioner is that he alongwith co-accused Sanjay Yadav, Akash Yadav brought Ajit Kumar Singh (since deceased) from Rajasthan Hotel, Palwal, and had left him at the shop of co-accused, Sanjay Yadav and that subsequently, Sanjay Yadav and one Vikas had committed the murder of Ajay Kumar Singh. It is further submitted that as per the prosecution version, the deceased had been working in the shop of co-

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accused, Sanjay Yadav, for the last 8-9 years and had left the job and joined the Rajasthan Hotel, Palwal. It is further contended that the petitioner has no role to play in the alleged occurrence as he had no knowledge that co-accused Sanjay Yadav and Vikas had an intention to commit such an offence with Ajit Kumar Singh (since deceased). It is further submitted that during investigation, Brijesh Kumar Singh, brother of the deceased, got his statement recorded on 20.08.2022 under Section 162 Cr.P.C. that Sanjay Yadav and Vikas had committed the murder of his brother.

4. Learned Senior Counsel for the petitioner further contends that the petitioner has been in custody since 07.09.2022 and that out of 30 prosecution witnesses, none has been examined so far.

5. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner alongwith the co-accused actively participated in the crime and had committed the murder of Ajit Kumar Singh, who was an ex-employee of Sanjay Yadav and that it was the petitioner, who alongwith Sanjay Yadav, Akash Yadav had brought the deceased in his car. It is further submitted that material prosecution witnesses are yet to be examined.

6. I have heard the learned counsel for the parties.

7. The role attributed to the petitioner is that he alongwith Sanjay Yadav, Akash Yadav brought Ajit Kumar Singh (since deceased), who was an ex-employee of Sanjay Yadav, in the car from Rajasthan Hotel, Palwal, and had dropped the deceased off at the shop of Sanjay Yadav and thereafter, had left the aforesaid place. Recovery of car of the petitioner had been effected.

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8. The petitioner has been in custody since 07.09.2022. Even as per the statement of Brijesh Kumar Singh, brother of the deceased, got his statement recorded under Section 162 Cr.P.C., no injury has been attributed to the petitioner. Out of 30 prosecution witnesses, none has been examined so far. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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

18.08.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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