

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-32195-2023 (O&M)

Date of Decision: 20.07.2023

AMIT @ CHOTU @ RAHUL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Prabhjeet Singh Sullar, Advocate
for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.210 dated 30.05.2010, registered under Sections 302, 449, 34 and 120-B IPC; Sections 25/54/59 of the Arms Act and Section 201 IPC (added later on), at Police Station Sampla, District Rohtak, the first one having been dismissed as withdrawn on 31.08.2022.

Learned counsel for the petitioner submits that the petitioner was indicted on the basis of the disclosure statement of co-accused, namely, Ashok, which was recorded on 18.06.2010; that there were total 23 accused persons, who were facing trial; that out of the said 23 accused persons, 20 were acquitted and 3 were convicted vide judgment/order dated 08/13.11.2013; that the sentence of the convicted accused persons has already been suspended and that the petitioner has been in custody since 22.01.2019. He further submits that out of 15 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 does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the crime and he along with the co-accused have committed murder of Dhajja Ram; that the petitioner remained absconding from the Court proceedings for about 8/9 years and that, at one stage, the petitioner was declared as a proclaimed offender. He further submits that some of the co-accused were convicted by the learned trial Court and that the material prosecution witnesses are yet to be examined and thus, the petitioner be not granted the concession of bail.

I have heard the learned counsel for the parties.

Though the petitioner remained absconding from the Court proceedings for about 8/9 years, yet the fact remains that he has been in custody since 22.01.2019. The petitioner was indicted on the basis of the disclosure statement of the co-accused. Out of the 23 accused persons, 20 were acquitted and 3 were convicted vide judgment/order dated 08/13.11.2013 passed by the Court below. The sentence of the convicted accused persons has already been suspended by a Coordinate Bench of this Court. Most of the 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.

20.07.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No