

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

214

CRM-M-43201-2020 (O&M)

Date of Decision: 18.07.2023

ROHIT

... Petitioner

Versus

STATE OF HARYANA

... Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Kunal Dawar, Advocate  
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A. G. Haryana.

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**HARNARESH SINGH GILL, J.(Oral)**

Through this petition, the petitioner seeks regular bail in case bearing FIR No.304 dated 16.04.2019, registered under Sections 302, 201, 120-B, 34 IPC and Sections 3(2), 33, 89 of SC/ST Act, at Police Station Mujessar Faribadad, Haryana.

Learned counsel for the petitioner submits that the petitioner has been in custody since 19.04.2019; that neither the petitioner was named in the FIR, nor was he named by co-accused, namely, Neetu, who was arrested on 17.04.2019; that the petitioner was indicted in the present case as an accused, on the basis of the disclosure statement of Sumit and that as per the disclosure statement of Sumit, he gave a gandasa blow to deceased, namely, Rahul, while his friend, namely, Rohit (the petitioner herein), had caught hold of him. On the basis of the disclosure statement of Sumit, co-accused, namely, Manish, was declared innocent. He further\

submits that as per the prosecution version, the motive behind the alleged incident was the illicit relationship of Neetu (wife of the deceased) with one Sumit. Still further, it is submitted that though as per the CCTV footage, the petitioner was found standing near the place of occurrence, yet the fact remains that no specific injury has been attributed to him and that the petitioner has no role to play in the alleged incident.

Learned counsel for the petitioner further submits that out of 21 prosecution, only 10 have been examined, so far.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the aforesaid factual position. He, however, submits that the petitioner, in order to lend a helping hand to the main accused, had called the deceased at the place of occurrence and thus, had actively participated in the occurrence and that as per the disclosure statement of Rohit (petitioner), he caught hold of Rahul and Sumit had committed his murder.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 19.04.2019. The petitioner was indicted on the basis of the disclosure statement of the co-accused. No specific injury has been attributed to the petitioner. The only allegation against the petitioner is that he had caught hold the injured/deceased. 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.

18.07.2023

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No