

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55951 of 2022(O&M)
Date of Decision:- 13.04.2023

Omkar

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. L.K. Narang, Advocate for the petitioner.

Mr. N.K. Sheoran, DAG Haryana.

KARAMJIT SINGH, J.(Oral)

CRM-15289-2023

The present application has been filed for preponment of the main petition, which is hereby allowed and the main petition is directed to be taken on board today itself.

CRM-M-55951 of 2022

Prayer is for grant for regular bail to the petitioner in case having FIR No.340 dated 10.06.2018, registered under Sections 302, 34 IPC (404 IPC added later on), Police Station Sampla, District Rohtak.

The allegations in nutshell are that complainant Pappu son of Dharambir reported to the police that his father had

constructed one room in his fields where he used to do prayer and the family members of Dharambir used to provide food to him in the said room in the morning as well as in evening. That as per routine on 9.6.2018 at about 8.30 pm the complainant went to said room to provide food to his father but at that time light inside the room was off and after giving food to his father, the complainant left for his home. On the next morning Kala son of Kartar informed the complainant that Dharambir has died due to head injury and then complainant reached the spot and found injuries on the dead body of his father and the dead body was lying on a cot just outside the aforesaid room and two blood stained bricks were lying near cot. The complainant was of belief that his father was killed by one Jasbir resident of village Naya Bans. During investigation co-accused Naveen (juvenile) was arrested who made disclosure statement wherein he named petitioner Omkar and Rambir to be the persons who were involved in murder of Dharambir, along with him. Thereafter, petitioner and Rambir were arrested on 23.12.2018 by the police and during investigation one wooden danda was recovered at the instance of the petitioner.

The counsel for the petitioner inter alia contends that in the instant case FIR was registered against one Jasbir but later on police found him innocent and in the meantime co-accused Naveen was arrested who made disclosure statement naming the petitioner and Rambir. The counsel for the petitioner further submits that co-

accused Rambir whose case is similarly situated to that of petitioner is already granted concession of regular bail vide order dated 29.6.2020, Annexure P-5. The counsel for the petitioner further submits that petitioner is in custody for the last more than 4 years and is having no criminal history and it will take time for the trial to conclude. So prayer is made that petitioner be released on bail.

The present petition is contested by the State counsel who submits that the petitioner actively participated in murder of Dharambir and wooden danda used in commission of crime was recovered at the instance of the petitioner. However, the State counsel has not disputed the fact Jasbir who was named as assailant in FIR was later on found innocent and that the petitioner and Rambir were nominated as accused on the basis of disclosure statement made by co-accused Naveen and that petitioner is in custody for the last more than 4 year and 2 months and that it will take time for the trial to conclude. The State counsel has also not refuted the fact that similarly situated co-accused Rambir is already enlarged on bail vide order, Annexure P-5.

I have considered the submissions made by counsel for the parties.

Admittedly, the petitioner was not named in the FIR and nominated as an accused on the basis of disclosure statement made by co-accused Naveen who is granted regular bail vide order dated 2.12.2019, Annexure P-5/A. Even similarly situated co-accused

Rambir who was also named as an accused on the basis of disclosure statement made by co-accused Naveen is also enlarged on bail vide order, Annexure P-5. The petitioner is in custody for the last more than 4 year and 2 months and it will take time for the trial to conclude. Further no specific fatal injury has been attributed to the petitioner. The exact complicity of the petitioner would be unfolded during the trial.

In the given circumstances, no purpose is going to be served by keeping the petitioner behind the bars for any longer period. Thus, without commenting on the merits of the case the present petition is hereby accepted and the petitioner is ordered to be released on bail subject to furnishing bail and surety bonds to the satisfaction of the Trial Court/CJM/Duty Magistrate concerned.

Disposed of accordingly, so also the pending miscellaneous application(s), if any.

13.04.2023

P. Chawla

**(KARAMJIT SINGH)
JUDGE**

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