

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

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**CRM-M-56910-2022 (O&M)
Date of decision: 15.03.2023**

Vikas @ Rinku @ Rinkal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 200 dated 16.09.2020, registered under Sections 148, 149, 323, 324, 302, 380, 427, 450, 506 IPC, at Police Station Ateli, District Mohindergarh. The first bail petition was dismissed as withdrawn on 14.10.2022.

Status report filed on behalf of the respondent-State is already on record.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR; that as per FIR, Vikas @ Brigadier son of Satya Narayan, Lakhan son of Dharampal, Satbir son of Parma, Ramlakhan @ Moti son of Jai Singh and Monu @ Mota son of Ram Chander, and other co-villagers attacked Monu (since deceased) son of the complainant with an axe,

baton, hockey, iron rod by entering into their house; that later on, Rakesh-father of Monu (since deceased), named more persons as accused, but did not name the petitioner; that the petitioner has falsely been indicted in the present case at a later stage on the statements of Sanju Devi and Shivani @ Neeta, stated to be the eye-witnesses, attributing baton blows to the petitioner and other co-accused on the person of the deceased; that the petitioner has been in custody since 26.09.2020; that out of 16 prosecution witnesses, only 13 have been examined so far; that complainant-Manju Devi, mother of the deceased, Sanju Devi and Shivani @ Neeta, turned hostile on 03.11.2022; that the petitioner is not involved in any other case and that three co-accused are on bail.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner had actively participated in the crime. The material witnesses are yet to be examined. However, she does not dispute the custody period of the petitioner and the facts that three prosecution witnesses have turned hostile.

I have heard the learned counsel for the parties and have also gone through the paper-book.

The petitioner has been in custody since 26.09.2020. The petitioner was not named in the FIR. He was indicted in the present case on the statements of Sanju Devi and Shivani @ Neeta, the alleged eye-witnesses; that complainant-Manju Devi-mother of the deceased, Sanju Devi and Shivani @ Neeta, turned hostile. Remaining prosecution witnesses are yet to be examined. Moreover, there is no other case against the petitioner and three

co-accused are on bail. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

15.03.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No