

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

CRM-M-57413-2022 (O&M)
Date of Decision:-**27.03.2023**

BHARAT SINGH ALIAS BHARTHI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Jitender Kumar Sehrawat, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

CRM-10422-2023

Allowed as prayed for and documents Annexures P-8 to P-13
are ordered to be taken on record subject to all just exceptions.

The application stands disposed of accordingly.

CRM-M-57413-2022

Prayer is for grant of regular bail in case having FIR No.537
dated 20.07.2020 registered under Sections 148, 149, 302, 341 IPC and
Section 25 of Arms Act at Police Station HTM Hisar, District Hisar. .

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is in custody since last 2 years and 6 months and is having no criminal history. He further submits that the petitioner was named as accused on the basis of disclosure statement made by co-accused Raja, as per which the petitioner provided one motorcycle to the main accused. He further submits that no recovery was effected from the petitioner who was arrested on 11.9.2020 and is presently lodged in judicial custody. He further submits that the trial is not progressing ahead as till date only 6 witnesses are examined out of 34 witnesses on behalf of the prosecution. The counsel further submits that co-accused Raja, Bhupinder @ Nonu, Sunil @ Sunni, Ravinder @ Razia and Deepa @ Deepak are granted concession of regular bail vide orders Annexure P-3 to Annexure P-7 while co-accused Sunil @ Poli is also granted benefit of regular bail by this Court vide order dated 22.12.2022 and copy of the same is provided which is taken on record. The counsel for the petitioner made prayer that petitioner be also granted concession of regular bail.

The instant petition is contested by the State counsel, who submits that the petitioner is facing trial in a case relating to murder of deceased Mukesh @ Pradhan and now he is custody since last more than 2 years and 6 months and during trial prosecution has already examined complainant and eye-witness Abhishek and in total 6 prosecution witnesses stand examined. However the State counsel has not disputed the fact that the petitioner was not named in the FIR and nominated as accused on the basis of disclosure statement of co-accused and is in custody since 11.9.2020

and that during investigation no weapon or incriminating article was recovered from the possession of the petitioner.

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

Admittedly the petitioner was not named in the FIR and was later on arraigned as accused on the basis of alleged disclosure made by co-accused. As per allegations appearing on the record, the petitioner facilitated the main accused in commission of crime by providing them a two wheeler. During investigation, the petitioner was arrested and is in custody since last 2 years and 6 months but no weapon or objectionable article was recovered from the possession of the petitioner who is presently lodged in judicial custody. After completion of investigation the police presented the challan and now the trial is going on but it will take considerable time for the trial to conclude as till date only 6 witnesses are examined on behalf of the prosecution. Further as per Annexure P-12, it appears that eye-witness Abhishek has not supported the case of prosecution. As has been stated by the counsel for the petitioner even complainant-Om Parkash while appearing in the witness box has not made any specific allegations against the petitioner and copy of the testimony is Annexure P-13. Further co-accused Raja and Bhupinder @ Nonu, who were not named in the FIR are granted concession of regular bail as has been discussed above.

In view of the above, no purpose is going to be served by further prolonging the judicial custody of the petitioner for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

27.03.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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