

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM-M No.44355 of 2014

Date of Decision:13.01.2015

Daya Ram

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.Manoj K.Tanwar, Advocate,
for the petitioner.**

**Mr.Pravindra Singh Chauhan, Additional Advocate
General, Haryana, for the respondent-State.**

**Mr.Gurinder Pal Singh, Advocate,
for the complainant.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other main co-accused Sanjay son of Rampal, Manoj Kumar, Satender and others, vide FIR No.15 dated 15.02.2014, on accusation of having committed the offences punishable under Sections 147, 149, 307, 120-B IPC and Section 25 of The Arms Act (the offence punishable under Section 302 IPC was later on added), by the police of Police Station Satnali, District Mohindergarh.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and considering the

entire matter deeply, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Concisely, the prosecution, *inter alia*, claimed that on 15.02.2014, main accused Sanjay along with his other named co-accused came to the spot and fired shots on Billu @ Bijender son of complainant-Munshi Ram, culminating into his death. Neither the name of the petitioner is mentioned nor any particular role or specific injury is attributed to him in the FIR. He was subsequently involved in this case in the wake of disclosure statement of his co-accused Satender. Even in the disclosure statement, no specific role or any particular injury is assigned to the petitioner, except that he had hatched a criminal conspiracy, to commit the indicated offence. The petitioner was even not present at the spot at the relevant time of the incident. All the main allegations of the commission of murder of Billu @ Bijender are attributed to main accused Sanjay and other main named co-accused(non-petitioners). In that eventuality, as to whether the penal provisions of vicarious liability, as contemplated under Sections 149 and 120-B IPC, are attracted to the facts, relatable to the case of the petitioner or not, *inter alia*, would be a moot point to be decided after receipt of evidence of the parties during the course of trial by the trial Court.

5. Be that as it may, the petitioner was arrested in this case on 20.02.2014. Since then he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. Since, not even a single witness has yet been examined by the prosecution, so, the conclusion of

trial will naturally take a long time.

6. Not only that, Manoj Kumar, similarly situated co-accused of the petitioner, was granted the concession of regular bail, by virtue of order dated 19.11.2014(Annexure P-2) in CRM No.M-38627 of 2014 by this Court. Therefore, I see no reason not to extend the same benefit of regular bail to the present petitioner as well under the similar set of circumstances.

7. In the light of aforesaid reasons, taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits in the trial of the main case, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

January 13, 2015
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(MEHINDER SINGH SULLAR)
JUDGE