

CRM-M-20824-2016

Date of Decision : 15.09.2016

Virender

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Bipan Ghai, Senior Advocate with
Mr. Chanderhas Yadav, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

M.M.S. BEDI, JUDGE (ORAL)

Petitioner seeks concession of regular bail in a case registered at the instance of Sunil Kumar alleging that on 25.02.2015, complainant along with Kapil and Rajesh was collecting donations for Jagran in the market when two vehicles came on the spot from which 9-10 persons alighted carrying arms and rifles. Ram Kumar demanded a sum of Rs.10 lacs from Kapil and on his refusal, they started firing at Kapil and he received 18 injuries. When Rajesh came forward to rescue him, he was also fired at and he received six injuries and died on the spot.

State counsel opposes the bail application *inter alia* on the ground that it is a double murder case.

With the assistance of learned State counsel, I have gone through the record and find that the petitioner was not present on the spot at the time of occurrence but the only role of conspiracy was attributed to him on the basis of disclosure statement made by co-accused Yogesh to the effect that after committing the offence, he had

stayed at the house of the petitioner and the petitioner was aware of the incident and so he was part of conspiracy. The petitioner being not a member of unlawful assembly and having not been attributed any specific injury, can be granted the concession of bail as the culpability of the petitioner will be a debatable issue during trial as he is only alleged to have harboured the main accused.

Without expression of any opinion regarding the culpability of the petitioner, the petitioner can be granted the concession of bail as he has been in custody with effect from 02.03.2015 and co-accused of the petitioner, Raj Kumar has been granted the concession of bail.

The petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the condition that petitioner will not make any attempt to tamper with the evidence or threaten the witnesses, directly or indirectly.

(M.M.S. BEDI)
JUDGE

15.09.2016
Neha

Whether Speaking/Reasoned: Yes/No

Whether Reportable: Yes/No