

Sr. No.224

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-6560 of 2016 (O&M)

Date of Decision: 30.05.2016

Monu @ Mohan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Aman Pal, Advocate,
for the petitioner.

Mr. Anmol Malik, AAG., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.180 dated 23.09.2015, under Sections 302, 449, 120-B of Indian Penal Code and Sections 27/54/59 of Arms Act, 1959, registered at Police Station Pillukhera, District Jind.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Ruman in relation to an occurrence that took place on 23.09.2015 and in which two lives were lost i.e. Sandeep and Raju @ Raj Kumar i.e. husband and brother-in-law(Jeth) of the complainant respectively. Complainant asserted that she was living in a joint family and a jewellery shop was being run in the village.

Family of the complainant had enmity with Sonu S/o Krishan who was also in their relation and with regard to partition of property, litigation was already pending between the parties.

On 23.09.2015 at about 8:00 a.m. husband and brother-in-law (Jeth) of the complainant went to the shop. At 9:30 a.m. complainant also proceeded to the shop to serve tea and at that point of time Sonu S/o of Krishan Kumar suddenly came present armed with a pistol and proclaimed that he would teach a lesson for instituting a case regarding the land. A shot was fired by Sonu with a pistol which hit Raju i.e. brother-in-law of the complainant on his mouth. Sandeep (since deceased) is stated to have run outside the shop and entered the house of one Jagdeep. Allegations are that Sonu fired from his pistol at Sandeep from behind and shots hit him on the back of his head, left shoulder and on the back.

Complainant has raised allegations that the offence has been committed by Sonu in conspiracy with his brothers i.e. Monu (present petitioner), Tinku and their father Krishan.

Petitioner was arrested on 24.09.2015.

Investigation in the case is complete, challan stands presented and even charges have been framed.

Material witnesses i.e. the complainant Ruman wife of Sandeep (since deceased) as also Suman wife of Raj Kumar @ Raju (deceased) have already been examined.

Counsel has also even adverted to the testimony of PW-2 Ruman while being cross-examined, she has deposed that there was litigation between the parties and the accused party was the beneficiary and as such they had motive to kill her husband and Jeth. Her statement in cross-examination is to the following effect:-

“It is true that there is litigation between the parties and accused are beneficiary therein. Therefore, they had motive to kill my

husband and Jeth. Thus, we inferred that they hatched the conspiracy except this there is no reason to name them in the instant case.”

Insofar as the present petitioner is concerned, he is not stated to be present at the spot of occurrence. He is sought to be implicated in the present case with the aid of Section 120-B IPC.

The issue as regards the offence having been committed by hatching a conspiracy of which the present petitioner was a party would be a moot question to be considered during the course of trial.

Material witnesses already stand examined.

It is not the case made out on behalf of the State that the petitioner if granted benefit of bail would be in a position to influence or hamper the course of a free and fair trial.

Trial would still take time to conclude.

Without making any observations on merits and keeping the length of incarceration of the petitioner in view, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Jind.

Disposed of.

30.05.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE