

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

**CRM-M No.10760 of 2017
Date of Decision: 05.04.2017**

NaveenPetitioner

Versus

State of Haryana ... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. D.K. Tuteja, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

RAJ MOHAN SINGH, J.(ORAL)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.182 dated 10.05.2016 registered under Sections 302/34 IPC and Section 25 of the Arms Act (Section 120-B IPC added later on) at Police Station Hansi Sadar.

FIR was lodged by the complainant Virender @ Bholu with the allegations that he along with Rajesh and Pardeep used to run country made liquor vends in villages Khumbha and Thurana in partnership. The complainant used to manage the liquor vend at Khumbha whereas Rajesh used to manage the liquor vend at Thurana. Pardeep used to come to the liquor vend at Khumbha during day time. Rajesh used to maintain the accounts of both the liquor vends. On 09.05.2016 at about 7.45 PM, Rajesh had come to the liquor vend at village Khumbha. At that time, complainant and salesman Sube Singh were present in the liquor vend. At about 8.15 PM, when Rajesh proceeded to Thurana in his car, then 2 persons

came on motorcycle wearing helmets. They fired at Rajesh and thereafter, fled away from the spot. Rajesh was removed to General Hospital, Hansi and thereafter, he was referred to Hisar. Doctor declared him brought dead in Sapra Hospital, Hisar.

Learned counsel for the petitioner submits that the petitioner has been implicated solely on the basis of alleged conspiracy based on alleged connectivity of mobile phones between the petitioner, deceased and Ajit Pehlwan. Petitioner is neither the beneficiary of 2 liquor vends, nor connected or related to any of the accused namely Navdeep @ Deepak and Mandeep @ Kana. The petitioner is also not related to Ajit Pehlwan. The alleged mobile call of the petitioner viz-a-viz Ajit Pehlwan was of one month prior to the date of occurrence. The statement of Ramesh i.e. brother of the deceased even if taken to be on its face value, the same does not advance the case of the prosecution in the context of alleged conspiracy of the petitioner. There is no direct evidence of complicity of the petitioner in commission of the aforesaid crime.

Learned State counsel on instructions from ASI Rajesh Kumar submits that the factum of threat being advanced by the petitioner to the deceased was admitted by the accused in his disclosure statement, though there he was not instrumental in doing reki about the presence of the deceased at the liquor vends. Challan has already been presented and charges have also been framed. The case is fixed for appearance of the accused. Petitioner is in

custody since 31.05.2016.

The involvement of the petitioner on the basis of his alleged conspiracy would be debatable at the time of trial. Petitioner is not the member of any gang of Ajit Pehlwan.

On instructions from ASI Rajesh Kumar, learned State counsel also stated that the petitioner was also involved in a case under Section 307 IPC in Police Station Narnaul, but he has been acquitted in the said case.

In view of the above, without adverting to the merits of the case, it will be just and expedient to grant benefit of regular bail to the petitioner.

Let the petitioner be enlarged on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

05.04.2017
prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No