

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

CRM-M No.3730 of 2017

Date of Decision: 09.02.2017

Sita Ram

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. K.D.S.Hooda, Advocate
for the petitioner.

Mr. P.P. Chahar, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner seeks regular bail in case bearing FIR
No.253 dated 04.10.2013 under Sections 302, 201, 120-B, 34 of
IPC and 25 of Arms Act registered at Police Station Loharu,
District Bhiwani.

The FIR was got registered by Som Parkash on the
allegations that his brother Umesh along with Monu Birhi and
Ankit Mori went to village Kharkari in a ceremony of Jagran. The

complainant along with others was also going on motorcycle.

The brother of the complainant stopped his motorcycle on receiving a phone call. Co-occupants namely Monu Birhi and Ankit Mori started drinking water. In the meanwhile, two vehicles i.e. Scorpio and Bolero came there in which Vikram Dholia, Ramesh Parshan and 12-13 boys came and they started firing on the brother of the complainant. Ramesh Pardhan and Vikram Dholia fired on the brother of the complainant. Two of the boys picked up the brother of the complainant and put him in the Bolero car and went away from there towards village Digawa. Information was given by the complainant to the police and thereafter, in the morning, dead body of Umesh was found lying in the fields.

Allegations were made that Umesh and Vikram Dholia were having some business dealings. One Priyanka was alleged to be fiancée of Vikram Dholia. She was exerting pressure on the brother of the complainant that he should marry her younger sister, failing which there would be dire

consequences.

Perusal of the First Information Report does not reveal complexity of the petitioner in any manner. Supplementary statement of the complainant was recorded on 06.02.2015 in which alleged complexity of one Ajay son of Vidyadhar came to fore. After arrest of Ajay, his disclosure statement was recorded and thereafter, petitioner was also arrayed as one of the accused. Ajay was once declared as proclaimed offender on 28.10.2015. Thereafter, he was allowed to join investigation with the permission of the Court vide order dated 04.04.2016. Petitioner was also joined in the investigation on 29.04.2016 and pursuant to his disclosure statement, he demarcated the place of occurrence.

Learned counsel for the petitioner submitted that when challan was presented, there was no complexity of the petitioner vis-a-vis any part attributed to him. An application under Section 319 Cr.P.C. was filed seeking to summon the petitioner as well. Thereafter, the said application was withdrawn

by the prosecution.

Learned State counsel on instructions from ASI Suresh Kumar does not dispute the factual position. Moreover, apparently no fire arm was recovered from the petitioner even though it is so recorded in the order passed by the Court of Additional Sessions Judge, Bhiwani.

At this stage, without meaning anything on the merits of the case, I am of the view that prayer for regular bail of the petitioner can be considered.

In view of above, the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

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

09.02.2017

jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No