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

CRM-M No.47012 of 2017
Date of Decision: 23.03.2018

Yashwant @ Jassa

.....Petitioner

Vs

State of Haryana

.....Respondent

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

Present: Mr. Sanjeev Kodan, Advocate
for the petitioner.

Mr. Sanjay Kumar Saini, A.A.G., Haryana.

Mr. Jagdeep Singh Rana, Advocate,
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.159 dated 20.05.2017, registered under Sections 148, 149, 302, 449, 506, 120-B IPC and Sections 25/54/59 of Arms Act at Police Station Beri, District Jhajjar.

2. Petitioner has been implicated with the aid of Section 120-B IPC and FIR was registered with the allegation that on 19.05.2017 at about 9.00 P.M., son of the complainant namely Amit was milking the cows in the plot. Atul, Abhimanyu,

Ashwani, Anil, Sunil, Kishan and Rajbir entered the plot. Rajbir exhorted to kill Amit. Atul and Ashwani started firing on Amit. Amit died on the spot.

3. The cause of grievance was that Naresh was working as a servant with Rajbir who fled away with daughter of the complainant with the help of family members of Rajbir. In panchayat proceedings, Rajbir had to leave the village. Rajbir and his family used to visit the village. Petitioner is the real brother of Rajbir. Number of accused persons were arrayed in the FIR, out of which, Anil, Sunil, Abhimanyu, Usha, Darshna and Kishan were found to be innocent.

4. Petitioner has been implicated solely on the basis of disclosure statement of Ashwani. The petitioner was not present at the spot. His involvement was only to the extent of conspiring with each other in the commission of offence.

5. The petitioner is in custody since 31.05.2017.

6. The statement of fact has not been disputed by learned State counsel on instructions from ASI Om Parkash.

7. Learned counsel for the complainant opposed the prayer on the ground that though the houses of petitioner and his real brother Rajbir are situated adjacent to each other, but the petitioner was very much member of the conspiracy.

8. At this stage, it would be debatable as to the complicity of the petitioner on the basis of disclosure statement made by the co-accused.

9. In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

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

23.03.2018
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No