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

CRM-M No.7702 of 2018
Date of Decision: 20.04.2018

Rajiv @ Raja @ Langra

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rajender Singh Malik, Advocate
for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.428 dated 26.10.2016, registered under Sections 120-B, 302, 34 IPC and Sections 25/54/59 of Arms Act at Police Station Sadar Sonapat.

2. Surjit got the FIR registered on 26.10.2016 with the allegations that his son Narender, Mandeep and Pradeep were going to Sonapat on motorcycle. Narender was driving the motorcycle whereas Mandeep and Pradeep were pillion riders. Complainant was following them on a separate motorcycle. After covering some distance, two boys came on a motorcycle from behind with muffled faces. After bringing the motorcycle parallel

to the motorcycle of Narender, they fired upon Narender and then fled away from the spot. Narender succumbed to the injuries.

3. Complainant further alleged that after 7-8 months prior to the occurrence, there was a quarrel between Narender and father of Ravinder. Complainant lodged the FIR against unknown persons who come on motorcycle and fired upon Narender. Thereafter on 27.10.2016, complainant got recorded supplementary statement implicating Ravinder to the extent that there was an altercation between Narender and father of Ravinder some time back. About 15 days ago, complainant made some statement to the police. Petitioner had asked the complainant either to cut his hands and legs, otherwise he will be killed as he had inflicted injuries to father of Ravinder. The said fact was disclosed in the supplementary statement.

4. Complainant further alleged that on 26.10.2017, petitioner while passing through the street near house of the complainant had asked him that he had killed Narender and now turn is of the complainant.

5. While appearing as PW1, complainant further stated that about 02 months after the occurrence, he had stated before the police that Surender @ Sonu was also involved in the murder of his son as he had given information regarding

movements of his son to the main accused.

6. Evidently, the role of the petitioner is alleged with the aid of Section 120-B IPC. Bail was declined primarily on the ground that the petitioner was involved in ten more cases.

7. Learned counsel for the petitioner submitted that in nine cases, petitioner has already been acquitted and in the tenth case, his conviction was recorded under the Arms Act and was awarded sentence of two years. By that time, his custody was more than the requisite period and he has been let off.

8. Learned State counsel on instructions from SI Suresh Kumar has admitted the antecedent behaviour of the petitioner in terms of his involvement in ten more cases where he has been acquitted in nine cases and in one case, he has already completed his sentence. The complicity of the petitioner would be debatable as to his role arising out of supplementary statement of the complainant which was made just after one day of the original statement.

9. Co-accused namely Surender @ Sonu has already been granted regular bail by this Court vide order dated 25.01.2018 in CRM-M No.24022 of 2017.

10. At this stage, without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

11. 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.

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

20.04.2018
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No