

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5224-2019

Date of decision: 26.08.2019

Rajiv @ Raju

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Akshay Jindal, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.278 dated 01.08.2018 under Sections 148, 149, 323, 341, 302, 120-B IPC and Sections 25/54/59 of Arms Act, registered at Police Station Tauru, District Nuh (Mewat).

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Mehboob, his cousin deceased Sahil had a quarrel with Lokesh, Vikas, Dinesh, Chhotu @ Manoj, Leelu, Monu and Mangal. On 01.08.2018, he and his brother were coming towards the village from the side of Tauru a motorcycle, which was driven by Sahil. When they reached near the village, accused persons namely Lokesh, Vikas, Dinesh, Chhotu @ Manoj, Leelu, Monu and Mangal, who were standing on the roadside, stopped their motorcycle and dragged Sahil from the

motorcycle and started giving him kick and fist blows. Lokesh fired a shot with his illegal weapon on the chest of Sahil and on that account, he fell down and later on, he died at the spot. It is further submitted that there is no direct allegation against the petitioner and even as per the FIR, Lokesh, who fired the fatal shot, had a dispute with deceased Sahil on an earlier occasion, which was compromised.

Learned counsel for the petitioner has further submitted that all the four relevant witnesses i.e. PW1 Iqbal son of Sadiq, PW2 Abbas Khan son of Daulat Khan, PW3 Shakeel Ahmed son of Ashraf and PW4 Mehboob have stated that some unknown persons have killed Sahil and they were declared hostile by the Public Prosecutor and they even denied making the statement before the police naming the accused persons. It is further submitted that the petitioner is in custody for the last 01 year and 18 days; he is not involved in any other case; out of total 22 PWs, only 04 have been examined and since all the private witnesses have been examined, there is no possibility of tempering with the prosecution evidence.

Learned State counsel has filed affidavit of the Superintendent of Police, Nuh in the Court today, in which it is stated that statements of all the aforesaid persons including complainant Mehboob have been recorded and as per statement of the complainant (Annexure R-4), he has not supported the prosecution version.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more than one year; he is not involved in any other case and also considering the fact that it will take some time in conclusion of the trial, as out of total 22 PWs, many prosecution

witnesses are yet to be examined, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Petition is disposed of.

26.08.2019

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[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No