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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32665-2019

Date of decision-12.09.2019

Jagbir

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Dr. Deipa Singh, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana assisted by
ASI Narender Singh.

MANOJ BAJAJ, J.

Petitioner-Jagbir has prayed for grant of regular bail in case FIR No.60 dated 04.03.2018 registered under Sections 302, 303, 216 and 120-B read with Section 34 Indian Penal Code, 1860 and Section 25 Arms Act, 1959 at Police Station Sector-37, Gurugram, District Gurugram. He is in custody since his arrest on 17.06.2018.

The FIR was registered on the basis of the statement given by Ram Avtar son of Lt. Sh.Kanwar Singh wherein it was alleged that he along with his uncle Parvesh, aunt Dhanpali and niece Kakki (daughter of Parvesh) were travelling from their village in Fortuner vehicle bearing No.HR-26-BV-5151, being driven by Parvesh, whereas his wife and daughter were sitting on the rear seat and complainant was sitting on the front passenger

seat. When they reached near Truck Union Mohammadpur Jharsa Office, one white coloured Bolero came at high speed and when it reached parallel to the vehicle driven by Parvesh, accused, Giri Raj son of Khushi Ram sitting on front passenger seat took out his weapon and fired direct shots upon Parvesh and hit on his head. According to the complainant, he had seen driver of the vehicle and two other persons of the said vehicle. Victim-Parvesh had died. It was explained that the incident was a result of old rivalry as in the year 2003, Giriraj and others had murdered Krishan Kumar (uncle of complainant) and in the said case the accused were convicted. It was further narrated that the father of the complainant, namely, Kanwar Singh who was pursuing the case of murder of Krishan Kumar was also murdered in the year 2007 and the said trial was being pursued by Parvesh (victim) and others including the complainant. In the second case also, the accused persons were convicted. According to the complainant, Giriraj was on parole when he committed this crime. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor was present in the said vehicle (Balero) wherein main accused Giriraj came along with others. She has submitted that the gunshots were fired by Giriraj whereas Deva (co-accused) was driving the vehicle. The other two accused persons who were in the vehicle, were identified as Sumit and Tinku. She has submitted that the enmity, if any, was with Giriraj and there is no evidence against the petitioner to connect him with the alleged crime. She further submits that the final report

after investigation against the petitioner was submitted on 18.07.2018 and after more than a year, the charge was framed on 05.08.2019. According to her, only one witness has been examined so far out of total 52 witnesses. She submits that the petitioner has been indicted only on the basis of criminal conspiracy which is not substantiated with any material.

On the other hand, learned State counsel assisted by ASI Narender Singh opposed the bail application on the ground that the offence is serious as admittedly there is rivalry between the two families. He submits that earlier Krishan Kumar was murdered in the year 2003 wherein Giriraj and others were put to trial and the said trial was being pursued by Kanwar Singh (father of Parvesh) who was also murdered in the year 2007. He submits that after murder of Kanwar Singh, the trial was being pursued by Parvesh, therefore, the accused have committed the present crime. To a pointed query by the Court, it is not disputed by learned State counsel that the petitioner Jagbir was not an accused in any of the other cases wherein his co-accused Giriraj was put to trial and convicted. It is also not disputed by learned State counsel that in present case, the indictment of petitioner is founded on the criminal conspiracy, that too on confession suffered by him.

At this stage, learned counsel for the petitioner has contended that the case of the prosecution is on a weak footing as far as the petitioner is concerned. According to her, petitioner was not an accused in other two trials wherein his co-accused Giriraj was convicted for life. She submits that the said accused is in custody and the trial is likely to consume considerable time as over a period of one year and three months, only one witness has

been examined.

Considering the above background, custody period of the petitioner and the fact that the trial of the case is likely to consume considerable time, this Court does not find any valid reason to detain the petitioner any further in custody. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Gurugram.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

12.09.2019
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No