

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

**CRM-M-235 of 2019
DATE OF DECISION:-15.01.2019**

JAGDISH

...PETITIONER...

V.

STATE OF HARYANA

...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. A.P.S. Deol, Sr. Advocate with
Mr. H.S. Deol, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioner in a case arising from FIR No.46 dated 23.02.2017, registered under Sections 148, 149, 302, 307, 379, 120-B IPC and Section 25 of the Arms Act, 1959 at Police Station Farrukh Nagar, Gurugram District Gurugram.

According to the prosecution, complainant Sunil @ Sonu, a property dealer had purchased a plot around two years back from the date of registration of above said FIR from accused-Ved Parkash Saini against sale consideration of Rs.48 lakhs. However, when complainant came to know that accused-Ved Parkash Saini was not the real owner of the plot purchased by him and it was in the name of a third person

namely Parshant, a Panchayat was convened. It was settled therein that Ved Parkash Saini would pay Rs.48 lakhs to Parshant, original owner of the plot, who in turn would execute the sale deed in favour of Sunil @ Sonu. Accused Ved-Parkash Saini in view of above settlement paid Rs.12 lakhs to Parshant through a cheque. Remaining amount of Rs.36 lakhs was to be paid on 23.02.2017. On that date, complainant along with Sandeep @ Bittu and Ram Avtar @ Teenu (deceased) accompanying the petitioner reached the office of Ved Parkash Saini at Fazilpur for execution of the sale deed as per their settlement. However, during negotiation, accused persons got enraged. Consequently, some altercation took place in between the complainant party and accused persons. Accused party refused to return money and exhorted to kill the complainant. In the meantime, co-accused Ram Avtar took out a pistol and fired upon complainant, whereas son of Ved Parkash namely Lokesh fired upon Sandeep @ Bittu and Ram Avtar @ Teenu. During this incident, two persons namely Sandeep @ Bittu and Ram Avtar @ Teenu were murdered. The accused persons also fired upon the car of complainant and chased it.

Learned counsel contends that no role whatsoever has been attributed to the petitioner. He was simply standing to mediate amongst the complainant and accused party. Even no allegation of any provocation or instigation is levelled against him. The petitioner is in custody since 28.02.2017. His case is altogether different from other co-accused. No recovery is to be effected from him. Conclusion of trial

may take a sufficient long time. No useful purpose would be served by detaining the petitioner in jail any more during trial.

On the other hand, learned State counsel vehemently opposed the bail of the petitioner.

Having given thoughtful consideration to the rival submission and that conclusion of trial may take sufficient long time, but without commenting on the merits of the case, the petition is allowed. Consequently, petitioner is ordered to be released on interim bail till conclusion of trial, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

However, it is made clear that this order shall not be quoted as precedent in the bail application of other co-accused or would not be taken as a case of parity, inasmuch as, the case of other accused is altogether on different footings from the petitioner.

15.01.2019

sonika

(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned: **Yes/No**

whether reportable: **Yes/No**