

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

**CRM-M No.1271 of 2020(O&M)
Date of Decision: 02.03.2020**

**KamalPetitioner
Vs**

State of HaryanaRespondent

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

Present:Mr. A.K. Sehrawat, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Anil Ghanghas, Advocate
for the complainant.

RAJ MOHAN SINGH, J.

CRM No.7618 of 2020

For the reasons mentioned in the application, the same
is allowed.

Accompanying documents are taken on record.

CRM-M No.1271 of 2020

Petitioner seeks regular bail in his second attempt in
case bearing FIR No.488 dated 21.08.2017 registered under
Sections 148, 149, 302, 120-B IPC and Section 25 of the Arms

Act at Police Station Meham, Rohtak.

Earlier petition i.e. CRM-M No.8346 of 2019 was dismissed as withdrawn vide order dated 04.07.2019. Learned counsel for the petitioner submits that thereafter statements of PW 2 Ravinder and PW 3 Birmati (eye-witness) have been recorded.

As per allegations in the FIR, the occurrence took place on 21.08.2018 when Ravinder was following his uncle Sahi Ram along with his aunt on a scooty in order to drop her at the school. Sahi Ram was ahead of them on his scooty. When Sahi Ram reached at the gate of grain market, then a Swift car came from the back side and hit the scooty of Sahi Ram. Due to the impact, Sahi Ram fell down from the scooty. Three persons namely Aman, Sanchit and Kamal came out from the Swift car with their weapons and they started firing at Sahi Ram. On seeing the incident, Ravinder turned back towards grain market. While going back, he saw that another car make Beat came there, which was being driven by Kuldeep. Balraj and Sukhbir were also sitting in the car. They stopped at the place of occurrence and came out of the car, saw Sahi Ram and walked around Sahi Ram and thereafter, went in their car after showing their weapons in air. The pointed allegations are against Aman, Sanchit and Kamal who had fired with their weapons at Sahi

Ram. Sahi Ram died on account of firearm injuries.

The investigation of the case revealed that Joni and Sanjeev @ Manji did rekki of the incident. They have been arrayed as accused in the present case. Joni filed CRM-M No.14363 of 2018 for grant of regular bail in this Court. Vide order dated 08.08.2018, the aforesaid Joni has been granted regular bail by this Court. Similarly, Sanjeev @ Manji has also been granted regular bail by this Court vide order dated 27.11.2018 passed in CRM-M No.40430 of 2018.

During course of investigation, the police has not recovered anything from the petitioner. Two weapons have been recovered from Aman. Nothing has been recovered from Sanchit as well.

Learned State counsel states that out of total 28 prosecution witnesses, 9 witnesses have been examined. Out of 6 accused, 3 accused are on bail i.e. Joni, Sanjeev @ Manji and Naveen and 3 are in custody.

Learned counsel for the complainant submitted that the petitioner is also accused in a case under Section 307 IPC on the basis of disclosure statement of nephew of Sahi Ram who is victim in that case.

It is not in dispute that the petitioner is on bail in the

said case. The eye-witness has been examined. The complicity of the petitioner in terms of his identity as per statements of Ravinder and Birmati would remain debatable. Five gun shot injuries were found on the person of the deceased. No firearm has been recovered from the petitioner as well as from Sanchit. The recoveries have been effected from co-accused Aman. Petitioner is in custody for the last more than 2 years and 5 months.

In view of aforesaid facts and circumstances of the case, it can be seen that the trial of the case may take some time in its culmination.

In view of the above, at this stage, without forming any opinion on merits of the case, petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

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

02.03.2020

Prince

Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No