

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

1. CRM-M No.8301 of 2019

Manoj Soni

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM-M No.39105 of 2019

Deepak Kochar

... Petitioner

Versus

State of Haryana

... Respondent

3. CRM-M No.40871 of 2019

Anil

... Petitioner

Versus

State of Haryana

... Respondent

Date of decision: 26th February, 2020

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. N.K. Malhotra, Mr. Ravi Chawla, Mr. G.S. Sidhu,
Advocates for the petitioners.

Mr. Deepak Manchanda, Addl. Advocate General, Haryana
for the respondent/State.

Mr. Akashdeep Singh, Advocate for the complainant.

FATEH DEEP SINGH, J.

The above detailed three regular bail applications under
Section 439 Cr.P.C., third application by accused petitioner Manoj Soni
and second by petitioners Deepak Kochar and Anil, having arisen in the
same very case bearing FIR No.402 dated 22.04.2016 under Sections

302, 201, 120-B, 34 IPC and Section 25/54/59 of the Arms Act pertaining to Police Station Civil Lines, Rohtak, are being taken up for disposal together for the sake of brevity.

The present case was got registered by complainant Mahesh Verma alleging that his elder brother Ashok Kumar alias Kaka (since deceased) had constructed a showroom under the name and style of M/s S.S. Jewellers. It is alleged that on the day of occurrence i.e. 22.04.2016 around 6:15 a.m. while the deceased along with the complainant and another brother were walking on the footpath in the public park, three young boys came armed with firearms and fired at the deceased leading to his instantaneous death. It was during the course of investigations it transpired that the deceased had a property dispute with his cousins Manoj Soni and Sanjay Soni, and the latter managed to sell off the disputed property to co-accused non-applicant Virender and the latter hatched a conspiracy with his co-accused, servant Anil, Deepak Kochar and Manoj Soni all petitioners along with Ashok, Rohit, Sandeep alias Kala, Akash (minor), Satish, Pankaj and Sunil all non-applicants and by means of contract killing had killed the deceased leading to registration of the present case and arrest of the petitioners.

Learned counsel for the petitioners submit that the petitioners are behind bars since a long time and no specific role is attributed to petitioners Anil, Deepak Kochar and Manoj Soni in the initial FIR and

subsequently their names have cropped up and evidence fabricated to implead them because of the property dispute. It is contended that investigation and trial are not likely to conclude in the near future and thus, no useful purpose will be served by keeping the petitioners in custody.

Learned State counsel has strongly opposed the bails on the grounds that the mobile phone of accused petitioner Anil has been got recovered from co-accused Virender, the assassin, (which is otherwise claimed to have been recovered from Sunil as per learned counsel for the complainant) and that Deepak Kochar petitioner had given phone call to the killers immediate prior to the occurrence and petitioner Manoj Soni was the principal accused with whom the deceased had a property dispute and it is during the course of trial their specific roles would be brought into evidence. The State has shown apprehension that if allowed bail the petitioners might influence the trial and intimidate the witnesses.

Going through the arguments of the two sides, the chain of events by which mobile phone of petitioner Anil has been got recovered from the assassin Virender, the fact that co-accused Deepak Kochar an employee of accused Virender gave call to the killers a short time before the actual occurrence and the fact that the deceased had a property dispute with Manoj Soni who sold it off to accused Virender, are matters of much relevance and significance. The Court needs to keep in mind that

it is a case of contract killing and it is upon completion of investigation and at the trial, specific role would come about qua each of the petitioners.

Keeping in view the chain of events, heinousness of the offence and the apprehension of the State that if allowed bail the petitioners would influence the trial and intimidate the witnesses, this Court does not feel inclined to grant bail to any of the petitioners. As such, all the three petitions stand dismissed.

(FATEH DEEP SINGH)
JUDGE

February 26, 2020

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No