

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-7821-2020

Date of Decision: 24.07.2020

Ravinder @ Tobar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Sukesh K. Jindal, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. JS Dahiya, Advocate for the complainant.

RAMENDRA JAIN, J. (ORAL)

Case has been taken up for hearing through video conferencing due to pandemic Covid-19.

Through this fourth petition under Section 439 Cr.P.C., petitioner-Ravinder @ Tobar, has prayed for grant of regular bail in case FIR No. 33 dated 28.01.2017 registered under Sections 323, 332, 353, 365, 395, 307 and 302 IPC and Section 25 of the Arms Act at Police Station Sadar, Sonipat.

According to the prosecution, in the evening of 27.01.2017, the petitioner and his companions, namely, Paramjeet @ Parma, Amarjeet, Ashu, Manjeet, Amit, Sumeet and Nitin caused several injuries to Taqdeer son of the complainant near bus stop of the village and fled away from the spot. Injured Taqdeer was brought home on the advice of

the police to take action against the assailants on the next morning. However, in the midnight, four assailants, two of whom were addressing each other as Sumit and Nitin entered the house of the complainant by scaling wall and caused firearm injuries to Taqdeer and 3-4 more persons sleeping in the house, on account of which Sandeep, nephew of complainant died.

Learned counsel for the petitioner inter alia contends that petitioner was not named in the FIR, for the second incident. No role has been attributed to the petitioner. He did not fire any shot upon Sandeep deceased. In fact, co-accused-Manoj @ Bhukhara, had fired shot upon the deceased. Petitioner is in custody since 28.01.2017. Conclusion of trial may take long time. No useful purpose would be served by detaining him in jail. Co-accused of the petitioner, namely; Paramjeet @ Parma and Manjeet, have already granted the concession of regular bail by this Court vide orders dated 04.12.2018 and 15.02.2019 (Annexures P-4 and P-5) passed in CRM-M Nos. 43288-2018 and 5995-2019, respectively. Case of the petitioner is on better footing than his co-accused. Thus, treating the case of the petitioner on the same parity as that of his co-accused-Paramjeet @ Parma and Manjeet, he may be released on regular bail.

On the other hand, learned State counsel assisted by learned counsel for the complainant vehemently opposed the submissions of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of case, the petition is allowed. Consequently, petitioner-Ravinder @ Tobar, is ordered to be released on

bail pending trial, if, not required in any other case, on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

July 24, 2020
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(RAMENDRA JAIN)
JUDGE

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