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

CRM-M-12650-2020 (O&M)

Date of decision :04.09.2020

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... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Nandan Jindal, Advocate
for the complainant.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.0229 dated 21.08.2019 under Sections 302, 34 and 120-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Uklana, District Hisar, Haryana.

As per the case of the prosecution, on 21.08.2019 a telephonic message was received from one Dharampal resident of Bhaini Badshahpur in the Police Station that a firing incident had taken place in the village and, therefore, they should reach the spot. On receiving the information, Inspector/SHO Hawa Singh along with other Police officials

CRM-M-12650-2020 (O&M)

reached the spot in their official vehicle. A telephonic message was thereafter received from MHC Police Station Uklana that Satbir son of Jita Ram resident of Bhaini Badshahpur had died due to the gun shot and the dead body was lying in the mortuary of Government Hospital, Barwala. On the statement of Pawan Kumar, the brother of the deceased, the FIR had been registered, wherein, it has been alleged that his brother Satbir had gone to the barber shop of Kailash in the village for getting his hair cut at 7 am and after some time a noise was heard in the street. He and his father, Jita Ram, reached the shop of Kailash where they found a number of persons were standing. His brother, Satbir (deceased), was lying in the shop and on seeing the complainant, Satbir (deceased), had stated that Atul, Parmod sons of Balbir and their companion Satish son of Mahabir, residents of Bhaini Badshahpur had fired a shot on his chest and on saying so, he fell unconscious. After arranging the conveyance, they took the brother, Satbir, to Civil Hospital, Barwala where he succumbed to the injuries. After investigation, the name of the present petitioner came up and he was, thereafter, arrested. The allegation against the present petitioner is that he was waiting there for the co-accused on his motorcycle with the engine running to facilitate the main accused, Atul, in running away.

Learned counsel for the petitioner has contended that the petitioner has not been named in the FIR. It has further been contended by learned counsel for the petitioner that the petitioner has been implicated on the statement of Mann Singh and now the statement of

CRM-M-12650-2020 (O&M)

Mann Singh was also recorded in the Court and therefore, he be granted the concession of bail.

Reply has been filed on behalf of the State, wherein it has been stated that the petitioner was involved in conspiracy of the murder of Satbir. The motorcycle used in the crime has also been recovered from the petitioner.

Learned counsel for the complainant has stated that the conspiracy was hatched by all the co-accused including the petitioner and in fact, in furtherance of their motive, they had purchased a pistol to carry out the murder. He has further stated that the same has also been mentioned in the disclosure statement of Atul and Parmod.

I have heard learned counsel for the parties.

In the present case, *prima facie* it appears to be a case of pre-meditated murder where the petitioner along with the co-accused had hatched the conspiracy to commit the murder and, in furtherance of their motive, they had also purchased a pistol.

Further as a consequence of the disclosure statements of the co-accused Atul, recovery of the pistol was effected and as per the FSL report the weapon used in the commission of the murder matches the bullet found in the body of the deceased. The petitioner was the person alleged to have not only conspired but was also instrumental in facilitating the main accused Atul in escaping on his motorcycle.

In view of the above, I do not deem this to be a fit case for grant of regular bail to the petitioner and the present petition is,

accordingly, dismissed. It is however, made clear that any observation made herein, are not to be considered as an expression of opinion on the merits of the case.

04.09.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO