

**201-A IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-15727 OF 2020
DATE OF DECISION : 10.09.2020**

Tushar @ Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Devender Kumar, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

This is a petition for grant of regular bail in FIR No.312 dated 22.11.2018 under Sections 148/149/216/302/120-B IPC and Section 25 of Arms Act, registered at Police Station Civil Lines, District Rohtak.

2. Per FIR allegations, complainant Amit (brother of deceased Lokesh) got his statement recorded to the effect that on 22.11.2018 at about 1.15 PM, he along with his maternal uncle Parveen and younger brother Lokesh, in order to do some work, were present at Double Park, Model Town, Rohtak. While his younger brother Lokesh was talking with his friends, 10/15 persons, out of which some were on foot while, other persons namely Rakesh, Yogesh @ Billi, Yogesh @ Bulldog and Raju were in their black coloured Endeavour, came there. They were armed with lathi, danda, farsa. But Yogesh @ Billi was armed with a country made pistol. He fired two shots at Lokesh, which hit on the left side of his stomach and another on the right side of the back, due to which he fell down. All the accused persons ran away from the spot. Lokesh was taken to PGI, Trauma Centre, Rohtak where he was declared brought dead. On his way to hospital, Lokesh disclosed that someday prior to

the incident, there was a dispute between boys of Jat College and this incident had happened on account of that grudge.

3. Learned counsel for the petitioner contends that prime accused is Yogesh @ Billi, who fired two gun shots with his country made pistol and he is already in custody. He further submits that the petitioner was neither named in the FIR nor any injury has been attributed to him. It is own case of the prosecution that petitioner was not present at the place of occurrence. It is further contended that nothing has been recovered from the petitioner and investigation is already complete.

4. Mr. Bhupender Singh, DAG, Haryana, who has joined the proceedings on service of advance copy of the petition, appears for State of Haryana and opposes the bail petition on the ground that the allegations against the petitioner are serious in nature.

5. Having heard learned counsel for the petitioner, as well as learned State counsel, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars since investigation is over. Challan has also already been filed. The petitioner is stated to be in custody since 03.12.2018. The trial is not likely to commence or conclude any time soon on account of current pandemic conditions. Courts are currently taking matter of extreme urgency and trials are held up.

6. In the premise, the instant petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate.

SEPTEMBER 10, 2020
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No