

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

206**CRM-M-15830-2020****Date of decision: 20.07.2020****Sandeep****.....Petitioner****versus****State of Haryana****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. Balkar Singh, Advocate for the petitioner.

Mr. Gurbir Singh Dhillon, Asstt. A.G., Haryana.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner-Sandeep, who is stated to be aged 27 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.02 dated 02.01.2020, under Sections 302, 34 & 120-B of IPC and Sections 25, 54 and 59 of Arms Act, registered at Police Station Barauda, District Sonapat.

On the last date of hearing i.e. 03.07.2020, this Court had passed the following order:-

“Petitioner-Sandeep, stated to be aged 27 years, has filed the present petition inter alia with a prayer for grant of regular bail in case FIR No.02 dated 02.01.2020, registered under Sections 302, 34 & 120-B of Indian Penal Code and Sections 25, 54 & 59 of Arms Act, at Police Station Barauda,

District Sonapat.

Learned counsel for the petitioner submits that the petitioner was arrested on 19.02.2020. He further submits that challan in this case has been presented and no recovery has been effected from the petitioner. It is also submitted that the petitioner has no concern with the entire controversy. Learned counsel then submits that the petitioner apprehends that in fact he has been named because may be that Surrender (brother of the complainant) misbehaved with niece of Shamsher Singh (co-accused).

On the other hand, learned State counsel however submits that the case has detailed checkered history. He submits that during investigation and as also submitted in the challan, the allegations against the petitioner are that Sandeep's sister had eloped with Deepak s/o Baljeet (complainant). It is further the case of the prosecution that Sandeep (the present petitioner) had allegedly given Rs.1.5 lacs to Shamsher Singh to eliminate anybody in family of the complainant. He further submits that it has also come in investigation that Sanjiv Chaudhary, Shamsher Singh and Vedpal stated to have kill the deceased-Devender (brother of the complainant).

In view of the above counter submissions made by both the counsel, this Court deems it appropriate to direct the State to file a short status report/reply, within ten days from today with advance copy to counsel for the petitioner.

List on 20.07.2020.”

Status report by way of affidavit of Mr.Udai Singh Meena, IPS, Assistant Superintendent of Police, Gohana, Sonipat, dated 16.07.2020, has been filed. As per the affidavit, with special reference to para 3, learned counsel for the petitioner submits that on 01.01.2020, on receipt of information regarding Devender son of Balwan having been fired upon, the

police officials rushed to the place of occurrence. It is then stated in the affidavit that thereafter brother of the deceased namely Baljit son of Balwan was contacted telephonically upon which he disclosed that they had reached at their house, and as per the complaint of Baljit, on 01.01.2020, at about 6.45 pm, he was present at his house, when he received the information that some unknown persons fired gun shots at his brother Devender when he was at his shop. Learned counsel for the petitioner, in para 4 of the status report, further stated that on 02.01.2020, complainant Baljit made his supplementary statement, wherein he disclosed that he has verified at his own level and came to know that his brother Devender has been murdered by Shamsher son of Kundan, resident of village Rukhi along with his companions. It is then submitted that co-accused Sanjeev @ Munna son of Raghubir was arrested in case FIR No.13 dated 14.01.2020, by the Special Cell, Delhi and on interrogation he suffered disclosure statement. The allegation against the petitioner then finds mentions to the effect that Sandeep was nourishing grudge against the family of complainant Baljit and Sandeep had given a sum of Rs.1,50,000/- to accused Shamsher for committing murder of any family member of Baljit. Learned counsel however submits that in fact the actual position is that the person namely, Shamsher Singh had also grudge against the family of the complainant as his niece was misbehaved by Surender (brother of complainant). He lastly submits that in fact the allegations qua the petitioner of any grudge is also more than two years old.

On the asking of Court, learned State counsel, on instructions

from SI Ranbir Singh, informs that the petitioner was arrested on 19.02.2020. In May, 2020, challan has been presented. He further submits that there are total of 20 witnesses and the case is yet to be committed to the Sessions Court. The next date fixed is 24.07.2020.

Learned counsel then submits that due to the present COVID-19 situation and also the fact that trial is likely to take some time, detention of the petitioner in jail is dangerous to his life. Therefore, petitioner is entitled for regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct the release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

20.07.2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No