

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

CRM No.M-24216 of 2020

DATE OF DECISION:28.10.2020

Raman @ Sethi

... Petitioner

Versus

State of Haryana

... Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajiv Dhawan, Advocate for the petitioner.

Ms. Safai Gupta, Assistant Advocate General, Haryana.

Mr. Vijay Jindal, Senior Advocate with
Mr. Akshay Jindal, Advocate
for the complainant.

HARSIMRAN SINGH SETHI, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in respect of FIR No 592 dated 06.07.2019 under Section 302 and 307 of IPC read with Section 34 of IPC and sections 25 and 27 of Arms Act, registered at Police Station Karnal City, Karnal.

Learned counsel for the petitioner argues that though the petitioner has nothing to do with the incident, but the petitioner has wrongly been roped in the present FIR. Learned counsel submits that the petitioner has done nothing wrong with respect to the allegations alleged in the FIR and without there being any offence committed, still the petitioner is behind the bars for the last more than

prosecution witnesses has given the statements, which do not support the prosecution version entirely, the petitioner, who is already behind the bars for the last more than one year, be granted the benefit of bail.

Learned State counsel submits that the contention which is being raised by the petitioner that he has wrongly been roped in the present FIR is incorrect. Learned counsel submits that the co-accused Pawan, in his disclosure statement has named the petitioner as one of the accomplice, who carried out the incident alongwith him when Dr. Rajiv Gupta was murdered.

Learned State counsel further submits that the police has already obtained the CCTV footage of the said date, wherein the petitioner is seen accompanying the main accused Pawan Kumar on the motorcycle and that too just before the incident occurred.

Learned Senior counsel appearing on behalf of the complainant submits that the main accused Pawan Kumar in his disclosure statement has given minute details of the conspiracy to kill Dr. Rajiv Gupta in which, the name of the petitioner appears not only as one of the accomplice of the main accused but actively participated in the incident on 05.07.2019.

The prayer of the petitioner for the grant of regular bail is opposed by the State counsel and learned Senior counsel appearing on behalf of complainant.

I have heard the counsel for the parties and have gone through the record of the case with their able assistance.

Keeping in view the facts and circumstances that on the

date of occurrence the petitioner has been seen with the main accused Pawan Kumar just before the incident in which Dr. Rajiv Gupta was killed and is also identifiable from the CCTV footage and further the disclosure statement of the co-accused give the minute details of the conspiracy and named the petitioner as the accomplice, who helped him in execution of his plan, the benefit of regular bail cannot be granted to the petitioner at this stage, though, one of the prosecution witnesses in his statement has not completely supported the prosecution version. The other prosecution evidence is yet to come before the Court and, therefore, the releasing of the petitioner at this stage, can be fatal to the trial.

No ground is made out to grant the petitioner the benefit of bail at this stage.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 28, 2020
jt/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes / No
Whether reportable : Yes / No