

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

213

**CRM-M-26405-2020
Date of decision: 14.09.2020**

Akash @ Sonu Chokker

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.62 dated 23.02.2019 registered at Police Station Badshahpur, District Gurugram under Sections 302 and 386 read with Section 34 of the Indian Penal Code, 1860 (for short, “the IPC”) and Section 25 of the Arms Act, 1959 to which Section 120-B of the IPC was added lateron.

Briefly stated the facts relevant for disposal of present petition are that on 23.02.2019 on receipt of telephonic information regarding one person having been shot, S.I. Kartar Singh reached Medanta Hospital where the injured had been taken. There complainant-Dheeraj made statement to S.I. Kartar Singh that on 22.02.2019 he received a call from Vijay Batra and when he was going

to meet him and reached in front of Parsvanath Green Villa, he saw Vijay Batra lying injured in his car and came to know that some persons who came in car bearing registration No.HR-26-DS-6435 had fired at him. He took Vijay Batra to Medanta Hospital where he was declared brought dead. About one and half months back, Vijay Batra had told him that Kaushal, a gangster of Naharpur Rupa had been demanding amount of Rs.50,00,000/- from him and had threatened to kill him if the amount was not paid. In view of statement of Vijay Batra, the abovesaid FIR was registered. During investigation co-accused implicated the petitioner as the person who had conspired and conducted the recce on which the petitioner was arrested on 27.04.2019.

The petitioner, who is in custody since the date of his arrest, has filed the present petition for grant of regular bail.

The petition has been opposed by learned State counsel. However, no reply has been filed by respondent-State.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the case for extraneous considerations. The petitioner is alleged to have conducted recce but no other criminal overt-act is attributed to the petitioner and there is no cogent evidence regarding participation of the petitioner in the crime. No recovery was made from him. Similarly placed co-accused Anil, Inderjit @ Inder and Ravi have already been granted regular bail vide orders dated 25.02.2020, 25.08.2020 and 10.09.2020 passed by this

Court. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner conspired, conducted recce and participated in commission of the crime. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, role attributed to him, parity with co-accused Anil, Inderjit @ Inder and Ravi who have already been granted regular bail vide orders dated 25.02.2020, 25.08.2020 and 10.09.2020 passed by this Court coupled with the fact that the trial is likely to take long time but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.09.2020

Vinay

**(ARUN KUMAR TYAGI)
JUDGE**

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