

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

(1)

CRM-M-28930-2020

SACHIN @ GANJA @ MATHA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

(2)

CRM-M-29328-2020

AJIT

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

Date of decision: **1.10.2020**

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. H.P.S. Ishar, Advocate
for the petitioner in CRM-M-28930-2020.

Mr. Akash Dalal, Advocate
for the petitioner in CRM-M-29328-2020.

Mr. Karan Sharma, AAG, Haryana.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. This order shall dispose of the aforementioned petitions filed on behalf of
Sachin @ Ganja @ Matha and Ajit seeking regular bail in respect of FIR
registered against them vide FIR No.1082, dated 18.10.2016, Police

Station City, Gurugram, District Gurugram, under Sections 148, 149, 302, 307, 120-B IPC and Section 25 of Arms Act.

2. The FIR was lodged at the instance of Karan Singh wherein it is alleged that one of his sons namely Munish Kumar is carrying on dairy and liquor business. On 17.10.2016, when the complainant was sitting at the liquor vend of his son, then at about 11.45 pm, his son Munish Kumar along with Liyakat and driver Sukhbir came in their car for collecting cash from the vend. Around the same time 8-10 young boys came there in a vehicle carrying weapons and started firing at his son Munish and his companions and as a result of which his son Munish sustained bullet injuries on his head and chest and his driver Sukhbir as well as Liyakat also sustained bullet injuries. The assailants, after firing the shots, made good their escape in two vehicles. Munish was taken to hospital, but on account of the fire arm injuries he succumbed to death. It is further alleged that the complainant's family was having a dispute since long time with the family of Sandeep Gadoli and Kaushal and at the time of cremation of Sandeep Gadoli, his brother Kuldeep Brahm Prakash and his sister Sudesh announced that they will avenge the death of Sandeep and will not allow the family of Bhinder to celebrate Diwali. The complainant thus suspected that it is Brahm Prakash, Sudesh, Kaushal, Munish (brother of Kaushal) and Amit Dagar who are involved in the murder of complainant's son namely Munish.

3. Learned counsel for the petitioners has submitted that they are nowhere

named in the FIR and have been nominated as an accused on the basis of an alleged disclosure statement made by Sonu @ Dinesh. It has further been submitted that since the Kuldeep, Ravi, Deepak as well as several other accused including Laksh Sharma and Sudesh have already been granted bail, therefore, the petitioners in any case deserve concession of bail on the grounds of party especially since they have been behind bars since the last more than 3 years & 6 months.

4. Opposing the petitions, the learned State counsel upon instructions from ASI Munish Kumar has submitted that since the petitioners are specifically named by a co-accused and are seasoned criminal having been involved in several other cases, no case for grant of bail is made out. It has however, been informed that the petitioners have been behind bars since the last more than 3 years & 6 months.
5. I have considered rival submissions addressed before this Court. Keeping in view the fact that the petitioners are stated to be nominated on the basis of disclosure statement made by co-accused and that several of his co-accused have already been granted bail including Kuldeep and Sudesh, who are named in the FIR and while also noticing that the petitioners have already suffered incarceration of more than 3 years & 6 months, their further detention will not serve any useful purpose. The petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6. It is however, clarified that in case the petitioners are found to be misusing of concession of bail, the State would be at liberty to move for cancellation of their bail.

1.10.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No