

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

CRM-M-29830-2020

Date of decision: **1.10.2020**

GAURAV

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. N.K. Malhotra, Advocate
for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.130 dated 20.3.2017 at Police Station Rajendra Park, District Gurugram under Sections 302, 364, 201, 120-B and 34 of Indian Penal Code and Section 25 of Arms Act.
2. The FIR was registered pursuant to receipt of information from Cyber Cell to the effect that it had intercepted a conversation between a lady and a male caller, wherein the lady was being informed that “we have kidnapped a man and we are in swift car” upon which the lady replied that “in case the kidnapped person refuses to give money then he be killed”.

Pursuant to receipt of the said information barricading was held and a swift car was apprehended. The driver of the car tried to run away but was apprehended and who disclosed his name as Gaurav Rohilla. He was found in possession of a country made pistol. Two other boys travelling in the car disclosed their names as Mahesh and Sachin @ Chinnu, who were also found to be carrying pistols as well as live cartridges.

3. Upon search of boot ('Dickey') of the car, a dead-body of a male person was found. Upon inquiry, the aforesaid three persons namely Gaurav Rohilla, Mahesh and Sachin @ Chinnu disclosed that the dead-body is of Lal Saini of Hisar and that the car also belongs to him and that they had brought the dead-body for its disposal in some isolated area.
4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that although he is alleged to have been found in possession of a country made pistol but somehow the report of the FSL does not suggest that cartridge in question have been fired from said pistol. Learned counsel has further submitted that in any case the petitioner has been behind bars since the last more than 3 ½ years and trial is not making any headway. It is further submitted that the petitioner is entitled for bail particularly since other co-accused namely Rekha @ Anjali and Tanu @ Guddi have already been released on bail vide order dated 22.2.2019 passed by this Court.
5. Learned State counsel has submitted that the petitioner was caught red-handed with the dead body for which he could not give any justifiable explanation and was also found in possession of a country made pistol, no

case for grant of bail is made out. Learned State counsel upon instructions from SI Pavitar Kumar has submitted that the petitioner is not involved in any other case and as of now 14 PWs out of cited 25 PWs have been examined and that 11 PWs remains to be examined.

6. I have considered rival submissions addressed before this Court.
7. It is a case where pursuant to interception of some telephonic conversation, the petitioner was apprehended along with Mahesh and Sachin while travelling in a car and that a search of boot of the said car led to recovery of a dead body which was found to have bearing 5 gun shot injuries. The petitioner was also found in possession of a country made pistol. The learned State counsel has submitted that in fact as per FSL report two of the gun shot injuries found on the person of the deceased can be connected with the weapon found in possession of the petitioner. In view of the aforesaid position, especially the petitioner was caught red-handed with the dead body of the deceased which was kept in a boot of the car in which he was travelling, no case for grant of bail is made out particularly since the weapon carried by the petitioner is also connected with the injuries found on the deceased. The petitioner cannot get any benefit from factum of grant of bail to co-accused Rekha and Tanu since they were never seen or found near the dead body. The petition, as such, is sans merit and is hereby dismissed.
8. However, keeping in view the period of incarceration of the petitioner, the trial Court is directed to take necessary steps as may be possible in the present circumstances on account of spread of pandemic for recording

remaining evidence either by physical process, if found convenient and safe subject to adherence of all the safeguards as prescribed by the Health Authorities on account of prevalent condition of spread of pandemic COVID-19 or consider feasibility of recording the same by video conferencing. The petitioner is expected to render full cooperation in disposal of the trial before the trial Court.

9. The petition is disposed off with the aforesaid directions.

(GURVINDER SINGH GILL)
JUDGE

1.10.2020
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**