

201 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29078 OF 2019 (O&M)
DATE OF DECISION : 10.09.2020

Sachin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Shivansh Malik, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

CRM NO. 22672 Of 2020

For the reasons stated in the application, same is allowed and report Under Section 173 (2) Cr.P.C contained at Annexure P-16 is taken on record, subject to all just exceptions.

CRM NO. 9826 Of 2020

For the reasons stated in the application, same is allowed and documents contained at Annexure P-6 to P-15 are taken on record, subject to all just exceptions.

MAIN CASE

This is a petition for grant of regular bail in FIR No.312 dated 22.11.2018 under Sections 148/149/216/302/120-B IPC and Section 25 of Arms Act, registered at Police Station Civil Lines, District Rohtak.

2. Per FIR allegations, complainant Amit (brother of deceased Lokesh) got his statement recorded to the effect that on 22.11.2018 at about 1.15 PM, he along with his maternal uncle Parveen and younger brother

Lokesh, in order to do some work, were present at Double Park, Model Town, Rohtak. While his younger brother Lokesh was talking with his friends, 10/15 persons, out of which some were on foot while, other persons namely Rakesh, Yogesh @ Billi, Yogesh @ Bulldog and Raju were in their black coloured Endevaour, came there. They were armed with lathi, danda, farsa. But Yogesh @ Billi was armed with a country made pistol. He fired two shots at Lokesh, which hit on the left side of his stomach and another on the right side of the back, due to which he fell down. All the accused persons ran away from the spot. Lokesh was taken to PGI, Trauma Centre, Rohtak where he was declared brought dead. On his way to hospital, Lokesh disclosed that someday prior to the incident, there was a dispute between boys of Jat College and this incident had happened on account of that grudge.

3. Learned counsel for the petitioner strenuously relies on the admitted case of the prosecution to contend that given the nature of allegations contained in the charge-sheet, the petitioner, in worst case, is accused of criminal conspiracy. Other than that, no role has been attributed to him. He further submits that apart from bald allegation, there is nothing in the charge-sheet to deduce that how the petitioner was involved in the conspiracy. He further submits that it is the own case of prosecution that petitioner was never present at the place of occurrence.

4. Learned counsel further contends that prime accused is Yogesh @ Billi, who fired two gun shots with his country made pistol and he is already in custody. It is further contended that the petitioner has been falsely implicated with the charge of criminal conspiracy on the basis of a self disclosure statement while he was in custody. He further submits that such a custodial self incriminating statement is not admissible in law. The petitioner was not named in the FIR and no injury has been attributed to him.

5. Mr. Bhupender Singh, DAG, Haryana, who has joined the proceedings on service of advance copy of the petition, appears for State of Haryana and opposes the bail petition on the ground that the allegations against the petitioner are serious in nature.

6. Having heard learned counsel for the petitioner, as well as learned State counsel, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars since investigation is over. Challan has also already been filed. The petitioner is stated to be in custody since 23.02.2019. The trial is not likely to commence or conclude any time soon on account of current pandemic conditions. Courts are currently taking matter of extreme urgency and trials are held up.

7. In the premise, the instant petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate.

(ARUN MONGA)
JUDGE

SEPTEMBER 10, 2020
shalini

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