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

**CRM-M-35832-2020 (O&M)
Date of decision-17.11.2020**

Umed Singh @ Rinku

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepinder Singh Walia, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.961 dated 02.11.2017 registered under Sections 302, 148, 149 and 120-B Indian Penal Code, 1860 and Section 25 Arms Act, 1959 at Police Station City Hisar. The petitioner is in custody since his arrest on 27.01.2018.

The above FIR was registered on the statement of Sunil Kumar, wherein it was stated that they were four brothers and were residing jointly. His brother Jai Singh alias Dholiya was a liquor contractor, and in the year 2015-16, Jai Singh and Radhey Shyam son of Sher Singh Gujjar entered a partnership for running liquor vends. In the said partnership, an amount of Rs.7-8 lacs was outstanding towards Radhey Shyam. This year, his brother Jai Singh had taken an independent contract of liquor vend. On the date of occurrence, Radhey Sham contractor had sent a message to his brother Jai Singh asking him to come to a country made liquor vend situated near Talian

Bridge and get his account settled. On this, he, his brother Jai Singh and nephew Rattan reached country made liquor vend in a vehicle at about 4.30 p.m. A salesman was present there and after some time, Radhey Sham and Ashoki came on a motor cycle having pistols in their hands, who were followed by Krishan, brother of Radhey Sham, Sunder, brother-in-law of Radhey Sham, Krishan alias Murari, Mahi Pal Gujjar, Surinder son of Mahender Gujjar, Umeed @ Rinku (petitioner), Parveen and two-three other persons on separate motor cycles. On reaching the spot, Surinder raised a lalkara that Dholiya should be taught a lesson for settlement of account and then, Krishan alias Murari, Mahi Pal, Surender, Umeed @ Rinku caught hold of his brother, whereas Radhey Sham and Ashoki fired from their pistols which hit his brother Dholiya. The complainant and Rattan got frightened and started running and also raised noise. On hearing the noise of gun shots, people gathered there and on seeing them, the accused persons along with their weapons ran away on their motor cycles. The complainant and Rattan rushed the victim to Sapra Hospital, Hisar, but on the way he died due to gunshot injuries. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that as per the prosecution, the victim was caught by the petitioner alongwith three co-accused persons and the gunshot were fired upon him by accused Radhey Shyam and Ashoki. He has argued that the alleged act could have put his life at risk and therefore, case of the prosecution qua him is highly improbable. He submits that the co-accused of the petitioner, who are similarly situated have already been released on regular bail by this Court, as the material eye-witnesses including the complainant have not supported the prosecution case

the Court to the order dated 29.09.2020 (Annexure P-2), whereby co-accused Mahipal was released on regular bail. He prays that the petitioner be released on bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Naresh Kumar has opposed the prayer but fairly submits that the case of the petitioner is at par with co-accused who have been released on bail. It is also not disputed by him that the eye-witnesses have not supported the prosecution case and they were declared hostile witnesses.

After hearing the learned counsel for the parties, this Court finds that the prosecution has already examined the material witnesses and the case of the petitioner is at par with accused persons who are already on bail. Though the prosecution has examined some witnesses but still the trial is likely to consume considerable time to conclude. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

17.11.2020

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No