

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

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**CRM-M-38355-2020 (O & M)
Date of decision : 16.12.2020**

SUJIT@BULLET

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Satyawan Singh Nain, Advocate
for the petitioner.

Mr. Karan Garg, Asstt. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

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

CRM-28425-2020

For the reasons mentioned in the application, the same is allowed and the petitioner is exempted from filing certified copy of order dated 04.09.2020 Annexure P-1, vernacular of FIR and true attested copy of Vakalatnama.

CRM-M-38355-2020

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 under Sections 120-B, 302 and 386 read with Section 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station

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 Dheeraj, the above-said FIR was registered. During investigation petitioner Sujit @ Bullet was arrested on 28.02.2019.

The petition has been opposed by learned State Counsel. However, no reply has been filed on behalf of the 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 was not named in the FIR. No independent witness has disclosed the name or attributed any role to the petitioner in commission of the crime. The petitioner has been arrested on the basis of suspicion/disclosure statements of the co-accused. The allegations against the petitioner are that he did the *recce* of the deceased. |There is

no independent evidence regarding supply of country made pistol by him to co-accused Sumit. Recovery of *danda* is alleged to have been made from him. There is no recovery of any incriminating weapon of offence from the petitioner and no overt act is attributed to him and there is no evidence regarding his participation in crime at the time of murder of the deceased. Similarly placed co-accused Inderjit @ Inder, Ravi, Akash @ Sonu Chokker, Anil and Dinesh have already been granted regular bail by this Court. The trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19. 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 conducted *recce*, conspired with co-accused Sumit and supplied country made pistol to him for murder of Vijay Batra, damaged car of the deceased after the occurrence and had telephonic conversations with co-accused Kaushal which also show his involvement in the crime. The petitioner is also involved in one more case of attempt to murder. 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 against and role attributed to the petitioner, as he is alleged to be one of the conspirators and to have conducted *recce* but he is not alleged to have fired at the deceased, parity with co-accused Inderjit @ Inder, Ravi, Akash @ Sonu Chokker, Anil and Dinesh who have already been granted regular bail by this Court and the fact that

the trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19 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.

16.12.2020

kavneet singh

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No