

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

205

**CRM-M-35983-2019
Decided on : 30.09.2020**

Naveen Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Ashwarya Bajaj, Advocate, for the petitioner.

Mr.Anant Kataria, DAG, Haryana.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Petitioner seeks grant of regular bail in petition filed under Section 439 Cr.P.C., in FIR No.120 dated 18.04.2018 under Sections 148, 149, 427, 452, 379-B, 302, 307 IPC along with Section 25 of the Arms Act, at PS Rewari City District Rewari.

Counsel for the petitioner has contended that the petitioner was arrested on 18.10.2018 and the co-accused have since been released on bail. It is his contention that the country-made pistol was recovered from the co-accused, Krishan who has also been granted the benefit of regular bail on 13.05.2019 by the Addl.Sessions Judge, Rewari. Therefore, he is also entitled for the benefit of bail since even co-accused, Harkesh and Lalit have also been granted bail. He further submits that there are as many as 35 witnesses and only 4 have been examined and trial is likely to take considerable time.

The FIR was lodged by Sunil who is stated to be running a motorcycle stand on which he had employed the deceased-Shishant @ Shanshak, resident of Uttar Pradesh as a servant who used to do duty from 9 PM to 9 AM. His brother, Sanjay was stated to have received a telephone

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

205 CRM-M-35983-2019

-2-

call from the deceased and he had also made the complainant talk with the deceased. The deceased was supposed to have told him that the petitioner along with Harkesh, Sunder and Sunil Dhanga and 10-12 boys had come to the motorcycle stand. At that point of time, he had heard the deceased say that Naveen and Sunder should not beat him and the phone call had been disconnected.

The complainant had thereafter stated that on his own enquiry, it was found that the said persons had, in connivance with each other, attacked the deceased who had been taken to the trauma centre and he had expired. The motive on an earlier occasion is that one Monu had been taken away by Sarabjit Singh and given beating. The present petitioner was also confined in jail and brother of the deceased-Shivam was also confined in Rewari jail and there was dispute inter se between them. On that account, they had come to the motorcycle stand and the shoot-out had happened.

Admittedly, Harkesh, who has been named in the FIR was released on bail in CRM-M-55567-2018 on 27.03.2019 (Annexure P-2) wherein it had been noticed that another co-accused, Lalit @ Dabbu had also been granted bail in CRM-M-4593-2019 on 07.02.2019 by the Co-ordinate Bench of this Court. In the order dated 07.02.2019, it was noticed that the deceased had died on account of 5 injuries on his body and 4 of them were bullet injuries and that 23 persons had been arrayed as accused.

A perusal of the FSL report dated 26.02.2019 would also go on to show that one country-made pistol 7.65 mm along with 2 live cartridges were stated to have been recovered from Krishan. Two used cartridges of the said

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

205

CRM-M-35983-2019

-3-

bore had also been recovered from the place of occurrence. One of the jacket pieces of cartridge related to the country-made pistol, recovered from the accused-Krishan.

In such circumstances, there is no recovery of any pistol/weapon from the petitioner. Admittedly, he has been in custody for the last almost 2 years. Accordingly, without commenting upon the merits of the case, this Court is of the opinion that trial would take considerable times and therefore, the petitioner is also entitled for the concession of regular bail, in the facts and circumstances of the present case, which is apparently based on circumstantial evidence on account of lack of eye-witnesses. It is accordingly ordered that the petitioner shall be released on regular bail to the satisfaction of the Illaqa/Duty Magistrate, Rewari.

SEPTEMBER 30, 2020

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No