

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

**CRM-M-51488-2019
Date of decision-26.10.2020**

Ashok @ Shocky**Petitioner**
Vs.
State of Haryana**Respondent**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. APS Deol, Senior Advocate with
Mr. Rose Gupta, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, 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 148, 149, 302 and 120-B Indian Penal Code, 1860 and Section 25 Arms Act, 1959 at Police Station City, Hisar, District Hisar. The petitioner is in custody since his arrest on 13.01.2018.

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 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

Ashok (petitioner) 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 alias Rinku, 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 alias Rinku caught hold of his brother, whereas Radhey Sham and Ashok 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 gun shot injuries. On these broad allegations, the above FIR was registered.

Learned Senior counsel for the petitioner contends that eye witnesses including the complainant have been examined, who did not support the prosecution case and were declared hostile. It is further pointed out that case of the petitioner is at par with co-accused-Radhey Sham, who has been released on regular bail vide order dated 25.08.2020 passed by this Court in CRM-M-17401-2020. Learned Senior counsel has prayed that the further custody of the petitioner may not be justified, therefore, he prays for grant of regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Naresh Kumar has opposed the prayer on the ground that the petitioner is specifically named in the FIR and actively participated in the crime. However, he does not dispute this fact that the case of the petitioner is at par

total 33 prosecution witnesses, 11 witnesses have been examined and eye witnesses have not supported the prosecution case.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete. It is apparent that the trial is progressing at a slow pace. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. The background of the case further reveals that the case of the petitioner is almost similar to the co-accused, who has been released on regular bail, 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.

26.10.2020

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE

No
No