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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.55456 of 2019 (O&M)
Date of Decision: 04.09.2020

GAGAN @ GAGGU
Vs
STATE OF HARYANA

.....Petitioner
.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Aditya Jain, Advocate for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.79 dated 26.02.2019, registered under Sections 302, 34 IPC and under Sections 25, 54 of the Arms Act at Police Station Rajendra Park, Gurugram.

The FIR was registered at the instance of Ram Avtar Tyagi with the allegations that on 25.02.2019, his younger son namely Sachin went along with Amit Dalal to attend court proceedings at Gurugram Court. He did not turn up thereafter though he responded to the mobile calls at about 4.00 p.m. and 8.00 p.m. that he will be reaching home very soon. On next day 26.02.2019, the Police informed that Sachin was shot dead by

someone and his dead body was kept in the Hospital. The complainant saw the dead body of his son and found mark of bullet on his chest. Suspicion was made against Amit Dalal in connivance with his friends.

Petitioner was implicated on the basis of disclosure statement of Amit Dalal and Rahul @ Munna. No recovery has been effected from the petitioner. The allegations are that in the disclosure statement of the petitioner, he got the place of occurrence demarcated.

Learned counsel for the petitioner submitted that the place of occurrence had already been demarcated. The evidence of PW-3 and PW-4 did not provide any incriminating material against the petitioner. PW-3 Sunita Devi has introduced an occurrence dated 14.02.2019 and contended that on 14.02.2019, Amit Dalal along with some other persons visited her house and asked her about Sachin. Amit Dalal was having revolver in his hand and he used very threatening language to PW-3. PW-3 did not disclose this occurrence to her family members till the occurrence in question. She identified Amit Dalal, Munna and Rahul, who were present in Court and also stated that those persons had visited her house on 14.02.2019 and had extended threat of killing Sachin.

Learned State counsel on instructions from ASI

Subhash submitted that the main injury is attributed to Amit Dalal. The petitioner is accused of conspiracy with the main accused and demarcated the place of occurrence after having made disclosure statement.

Learned State counsel further submitted challan has been presented and out of 20 prosecution witnesses, 13 witnesses have been examined. Petitioner is in custody since 13.03.2019. Due to situation arising out of COVID-19 pandemic, trial of the case may take some time in its culmination.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

September 04, 2020

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No