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

**CRM-M No.4835 of 2021
Date of Decision:19.07.2021**

JASBIR ALIAS JASSU ALIAS PANDUPetitioner
Vs
STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Ms. Sharmila sharma, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

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

CRM No.21093 of 2021

This is an application for placing on record documents Annexure P8 to P10.

For the reasons mentioned in the application, the same is allowed and accompanying documents are taken on record, subject to all just exceptions.

CRM-M No.4835 of 2021

Petitioner seeks grant of regular bail under Section 439

Cr.P.C in case bearing FIR No.340 dated 09.10.2020, registered under Sections 148, 149, 341, 307, 302, 323, 120-B IPC and Section 25/27 of Arms Act, 1959 at Police Station Rai, Sonipat.

As per allegations in the FIR, the complainant Vikas lodged this FIR with the background that on 09.10.2020 at about 9-9:30 AM his brother Sukhwinder was going to bethak from their house. The complainant was 50 steps behind him, when Sukhwinder reached in front of house of Sandeep, Sandeep obstructed him and in the mean time 5-6 unknown persons came out of the house of Sandeep. Sandeep along with 5-6 persons started firing indiscriminately at Sukhwinder. The brother of the complainant namely Ravinder also attracted to the spot in order to rescue Sukhwinder, but the assailants also fired upon him and the bullet hit him on his left arm. The complainant rushed to the spot. One of the person who was firing was proclaiming that Aman, Anuj hurry up and thereafter, all of them fled away from the spot. The body of Sukhwinder was found to be totally pierced with bullets and he died at the spot. Injured Ravinder was hospitalized.

Learned counsel for the petitioner submits that petitioner has not been named in the FIR nor any overt-act has been attributed to the petitioner in commission of the offence.

During investigation conducted by ASI Mukesh Kumar, Incharge, Police Chowki on 11.10.2020, the complainant Vikas was joined in the investigation and he moved a complaint that according to his own investigation, the petitioner who is brother-in-law of Kuldeep @ Kala is also involved in this occurrence. The complainant prays for legal action against the petitioner as well. On 14.10.2020, petitioner was arrested for the commission of offence under Section 120-B IPC and one car KIA seltos was recovered from the petitioner. According to the complainant, the petitioner is accused of conspiracy and this thing has been stated by the petitioner in his disclosure statement that as per the conspiracy dated 09.10.2020, his brother-in-law Kuldeep @ Kala and Pradeep sent his friends and shot dead Sukhwinder. After committing murder of Sukhwinder, Kuldeep @ Kala and Pradeep came to meet him and disclosed that Sukhwinder has been killed and they handed over the car to him.

Learned State counsel on instructions from ASI Ramesh admits that the petitioner is accused of conspiracy under Section 120-B IPC. He was not present at the spot nor has participated in the original occurrence, but he was involved in the conspiracy under Section 120-B IPC. Challan has been presented but charges have not been framed so far.

I have heard learned counsel for the parties, though car does not belongs to the petitioner, but the same has been recovered from the petitioner. Since the petitioner is accused of conspiracy under Section 120-B IPC and the same would be debatable on the basis of evidence to be led by the parties during trial. Petitioner is in custody since 14.10.2020.

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.

19.07.2021	(RAJ MOHAN SINGH)	
Amandeep	JUDGE	
Whether speaking/reasoned	Yes/No	
Whether reportable	Yes/No	