

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-3874-2020 (O&M)
Date of Decision:- 3.9.2021

Omkar Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vimal Kumar Gupta, Advocate with
Ms. Garima Sharma, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Jagdish Kumar.

Mr. Manish Verma, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 314, dated 17.11.2018, Police Station Chandi Mandir, District Panchkula, under Sections 302, 34, 120-B IPC and Section 25 of Arms Act.
2. The case of the prosecution, in nutshell is that four persons were found murdered with gun-shot injuries namely Rajbala and her three grand children namely Vishal, Ayush and Aishwarya. It is the case of

prosecution that the said persons had been done to death by other members of the family on account of greed of property.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and is not even related to the family of the deceased so as to have any motive for eliminating them. It has been submitted that it is in fact a case of blind murder wherein the petitioner is sought to be nominated on the basis of a disclosure statement made by Ram Kumar which would hardly carry any evidentiary value particularly in the absence of any other clinching evidence. Learned counsel has submitted that even as per the disclosure statement, it is not the petitioner who had fired at the deceased and the allegation is that he had helped in procurement of the pistol which was used for commission of offence.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that the complicity of the petitioner is clearly evident inasmuch as he was regularly in touch with the main accused who had fired at the deceased and that since he had been instrumental in arranging the pistol which was used for commission of murder, no case for grant of bail is made out. Learned State counsel has however, informed that the petitioner as on date has been behind bars for the last about 2 years and 9 months and that as on date only 6 out of the cited 54 PWs have been examined.
5. Learned counsel for the complainant has vehemently argued that the call detail record shows that the petitioner was regularly in touch with Ram Kumar who had actually fired at the deceased and in these

circumstances, it cannot be said that he was not aware that the pistol being supplied by him is going to be used for committing murder. Learned counsel for the complainant has additionally submitted that she is in fact the de-facto complainant being the lone survivor in the family and she apprehends threat to her life in case the accused is granted bail. Learned State counsel has submitted that the pistol in question had initially been purchased by Bablu who handed over the same to petitioner-Omkar and Omkar gave the pistol to Rajinder and Rajinder who is related to Ram Kumar handed over the same to Ram Kumar and that Ram Kumar is none else but husband of Navita (daughter of deceased Rajbala) and that on account of death of Rajbala, Navita and her husband are the beneficiaries.

6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that it is a case of blind murder wherein four persons had been murdered apparently on account of some greed of property. It is also not in dispute that the petitioner is not related to the deceased and as such cannot be said to get any direct benefit from the death of Rajbala and her three grand children. Still further the role attributed to the petitioner is not that he had fired at the deceased but that he had helped him for procurement of the pistol which is alleged to have been used in the occurrence. In any case the petitioner has been behind bars for a substantial period of 2 years and 9 months and conclusion of trial is likely to consume time as only 6 PWs out of the cited 54 PWs have been examined so far. In these circumstances further detention of the petitioner will not serve any

useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. As far as the apprehension of the complainant as regards threat to her life is concerned, it is directed that the petitioner shall not visit Govind Vihar, Baltana, SAS Nagar Mohali where de-facto complainant is presently sated to be residing with her *Bhua* namely Anjana Devi and *Fufar* namely Surinder Kumar. In case, the petitioner is required to visit the said place for any purpose, he shall do so only after informing the local police before hand.

3.9.2021

Mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No