

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

CRM-M-5890 of 2020

DECIDED ON: 8th MARCH, 2021

Sumit

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Harkesh Manuja, Advocate for petitioner.

Mr. Deepak Bhardwaj, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for grant of regular bail in FIR No. 60 dated 4.3.2018, under Sections 120-B, 216, 302, 303, 34 IPC 1860 and 25 of Arms Act, 1959, registered at Police Station Sector 37, Gurugram.

The FIR was registered at the instance of Ram Avtar wherein, it was alleged that he alongwith his brother, aunt and niece were travelling in a Fortuner car bearing registration No. HR-26-BV-5151. The vehicle was being driven by Parvesh. On reaching truck union Mohammadpur Jhandsa Office one white colour Bolero came parallel to their vehicle and Giriraj occupant of the Bolero fired a shot upon Parvesh which hit on his head. There was a driver and two other persons in the said vehicle. Victim died as a result of the injury. The motive attributed that there was an old rivalry, as in 2003 Giriraj and others had murdered Krishan Kumar uncle of the complainant and the accused were convicted.

Learned counsel for the petitioner submits that the only allegation against the petitioner is that he was an occupant of the Bolero, no injury is attributed to him. It is submitted that the gun shot was fired by Giriraj. The contention is that motive attributed is with regard to animosity of Giriraj. There is no evidence against the petitioner to connect him with the previous incident of 2003. It is argued that the petitioner is behind the bars since 24th April 2018. The charges were framed on 5th August, 2019, the trial has not proceeded much and is likely to take substantial time. Learned counsel for the petitioner relies upon the order dated 12th September, 2019 passed in CRM-M-32665 of 2019 and order dated 27th November, 2020 passed in CRM-30894 of 2020 by this Court whereby the co-accused Jagbir and Tinku @ Bhatbhat were granted bail.

Learned State counsel on instruction from SI Jaipal Singh submits that the petitioner was an occupant of the Bolero car. There is a recovery of Desi Katta. He further contended that there is no parity among Jagbir, Tinku @ Bhatbhat and the petitioner for grant of bail.

The petitioner is in custody for almost 2 years and 10 months. The Court is apprised of fact that out of 52 prosecution witnesses, only 7 witnesses have been examined till date. Conclusion of trial is likely to take time. Co-accused have been granted bail. *Prima-facie*, no role is attributed to the petitioner.

The petition is allowed.

The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8th MARCH, 2021

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>