

In virtual Court

CRM-M-11007-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11007-2021 (O&M)

Date of decision: 23.09.2021

Amit @ Shikari

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Jitender Dhanda, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.0073 dated 18.02.2020 under Sections 201, 212, 302, 364, 412, 120-B, 34 IPC and Section 25 of Arms Act, registered at Police Station Sadar Hisar, District Hisar.

Learned counsel for the petitioner submits that in the FIR, registered at the instance of Monika wife of deceased Sunil, it is stated that her husband Sunil was having a licensed pistol for doing the job of Security Guard.

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Sumit and Jaibir met him two months ago and hired his services as Security Guard for Rs.15,000/- per month. Deceased Sunil used to come home after 4-5 days. On 13.02.2020, her husband Sunil came to home and on the next day i.e. 14.02.2020, he went to Village Satrod, but later on, his phone was switched off. When family members of the complainant went to house of Sumit to find Sunil, mother of Sumit, namely Rani, wife of Jaibir and wife of Sumit told that Jaibir, Sumit, Manoj and Ajay Gautam, resident of Narnaud, in conspiracy with each other, have killed Sunil with pistol and thrown his dead body in the canal.

Learned counsel for the petitioner further submits that the petitioner was neither named in the FIR nor any role is attributed and even no motive is attributed towards him. It is also submitted that the petitioner was later on nominated on the basis of disclosure statement of co-accused Ajay Gautam, who was declared juvenile, wherein it was stated that when Sunil came to meet co-accused Sumit and Jaibir, he told them that he is unable to continue the job of Security Guard and they should pay him due salary. Upon this, both of them refused and forcibly took him to a marriage and the petitioner also accompanied them. It has further come in the disclosure statement of Ajay Gautam (juvenile) that when Sunil demanded his pistol back, then Sumit and Manoj caught hold of Sunil and Jaibir, by snatching his pistol, fired a shot on forehead of Sunil and thereafter, they ran away in the car along with injured. Sunil died on the way and the accused threw his dead body in a canal.

Learned counsel for the petitioner has next submitted that the petitioner is in judicial custody for the last 01 year, 06 months and 22 days and

co-accused Ajay Gautam (juvenile), on whose disclosure statement, name of the petitioner surfaced, has already been released on bail. It is also submitted that till date, out of total 22 prosecution witnesses, none has been examined.

Learned State counsel, on the basis of affidavit of Deputy Superintendent of Police, Hisar-2, has stated about the investigation carried out by the police. It is stated in the affidavit that after recording disclosure statement of Ajay Gautam (juvenile), name of the petitioner surfaced as one of the person, who caught hold of deceased Sunil, when Jaibir fired a shot on his forehead, which resulted into his death.

A perusal of the affidavit shows that though the investigation reflects that there was a dispute between deceased Sunil and his employers/co-accused Sumit and Jaibir, who were not letting him to go by leaving the job, as deceased was demanding the balance due of salary and in that process, he was forcibly taken in a car and was murdered from his own pistol as it was proved from the FSL report, however, no motive is attributed towards the petitioner except that he was present in the car, when the incident took place.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last 01 year, 06 months and 22 days and also in view of the fact that he was not initially named in the FIR and was nominated on the basis of disclosure statement of co-accused Ajay Gautam (juvenile), this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa

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Magistrate/Duty Magistrate, concerned.

Petition stands disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

23.09.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No