

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

CRM-M No. 11398 of 2021

Date of Decision: 31.03.2021

Sanjay

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vikas Bishnoi, Advocate,
for the petitioner.

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

Mr. Jagjeet Singh, Advocate,
for the complainant.

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.747 dated 05.11.2020
under Sections 120-B, 302, 34 IPC and under Section 25 of
Arms Act (Offence under Sections 216, 114 IPC and under
Section 30 of Arms Act added later on) registered at Police
Station Barwala, District Hisar.

FIR was registered at the instance of Shyam Sunder
who was working as Supervisor in Ware House at Sirsa. On
04.11.2020, father of the complainant was sitting in his

departmental store in the village. Three persons namely Jaibir Panghal, Manjeet and Sonu came on motorcycle and opened fire upon father of the complainant. One bullet hit on the nose of father of the complainant. Another bullet hit him in the stomach. The complainant was at home. On hearing noise of bullets, he reached the spot and the assailants fled away from the spot. Thereafter, number of assailants were increased to five thereby adding names of Rambir and Raghubir. Petitioner was not even named in the extended number of accused.

Allegation against the petitioner is that he provided the motorcycle and was part of conspiracy in terms of Section 120-B IPC. Name of the petitioner came to be disclosed by the co-accused.

Learned State counsel duly assisted by learned counsel for the complainant opposed the bail on the ground that the petitioner was part of conspiracy in terms of Section 120-B IPC as he allegedly provided his motorcycle to the co-accused for committing murder of Zile Singh.

Challan has been presented.

Petitioner is in custody since 11.11.2020.

The complicity of the petitioner based on criminal conspiracy would remain debatable and would depend upon the quality of evidence to be led by the parties during trial.

At this stage, keeping in view the allegations and the stage of the trial, I deem it appropriate to enlarge the petitioner on regular bail.

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

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

31.03.2021
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No