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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.11574 of 2021 (O&M)

Date of decision: 19.03.2021

Sukhvinder

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vishal Garg Narwana, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.34 dated 25.03.2020, for offence punishable under Sections 201, 302, 34, 404 of the Indian Penal Code, 1860 (in short 'IPC') and 25 of the Arms Act (added later), registered at Police Station Alewa, District Jind.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Raghbir, his son namely Rajeev had gone out of the house but did not return back and both his mobile numbers were switched off. The FIR was registered under Section 346 IPC. Thereafter, the complainant moved another application before the police authorities on 14.04.2020 i.e. after about more than 20 days wherein he has raised a suspicion on co-accused Rajesh @ Raja by saying that on the date of incident, when he had gone out of the house, he had seen a white colour car bearing registration

No.HR-31-L-1283 stopped outside his shop and Rajesh @ Raja was driving the same and his son Rajeev also sat down in the car and both of them ran away as his son Rajeev Sharma and the co-accused Rajesh @ Raja had a dispute regarding the money of rendition of account regarding the liquor vends and on that account, Rajesh @ Raja has committed the murder of his son Rajeev.

Counsel for the petitioner has then referred to another complaint given by Karesani, wife of the complainant Raghbir i.e. mother of the deceased Rajeev, on 30.04.2020 in which further improvements were made and it is stated that when the car came outside their house, she had seen that Rajeev along with the petitioner Sukhvinder and another co-accused Kala, were present and when his son sat in the car, they went away and in this complaint also, it is specifically stated that her deceased son has a dispute with the co-accused Rajeev regarding payment of Rs.1.00 lac on account of the liquor vends and due to this reason, all the accused persons have committed the murder of the deceased Rajeev.

Counsel for the petitioner has also submitted that challan under Section 173 Cr.P.C. has already been presented and the petitioner is in custody for the last about 10 months and it will take some time in conclusion of the trial. Counsel for the petitioner has, thus, argued that by making improvements on two occasions, the petitioner has been nominated in the FIR, after a long lapse of about more than 01 year and 10 days.

Counsel for the State has not disputed the factual position regarding the two supplementary statements made, vide which

petitioner was nominated in the case, but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the allegations in the FIR as well as the two subsequent statements wherein the motive is attributed towards the co-accused Rajesh @ Raja, with whom the deceased had a dispute regarding payment of liquor vends and also in view of the fact that the petitioner is in custody for the last about 10 months; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

19.03.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No