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

CRM-M No. 19141 of 2021
Date of Decision: 25.05.2021

Rambir

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Atul Lakhanpal, Sr. Advocate, with
Mr. Arjun Lakhanpal, Advocate,
for the petitioner.

Mr. Kirpal Singh Thakur, A.A.G., Haryana.

Mr. Mukesh Rao, Advocate,
for the complainant.

RAJ MOHAN SINGH, J.

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 302, 120-B, 216, 114, 34 IPC and under Section
25/30 of Arms Act registered at Police Station Barwala, District
Hisar.

Complainant Shyam Sunder has got the FIR
registered with the allegations that he was working as
Supervisor in Ware House at Sirsa. On 04.11.2020, his father

was sitting in his departmental store in the village. Three persons namely Jaibir Panghal, Manjeet and Sonu came on motorcycle and opened fire upon his father. One bullet hit on the nose of father of the complainant. Another bullet hit him in the stomach. At that time, complainant was at home. On hearing noise of bullets, he rushed to the spot. By that time, all the assailants had fled away.

During investigation, number of assailants were increased to five, thereby adding name of petitioner and Raghbir. Petitioner has not been named in the initial version. His name came to be added in the extended version thereby making total number of accused as five. Father's name of Jaibir Panghal is also Raghbir.

Learned counsel for the petitioner submits that the petitioner is 65 years of age and he has been implicated solely because he is father of co-accused Manjeet who is named in the FIR along with others. Since Manjeet could not be apprehended immediately, therefore, petitioner was picked up and involved in the case. Petitioner is not involved in any other earlier disputes between the parties and therefore, there was no mens rea on the part of the petitioner to play any role in the present case.

Allegations in the FIR are that the petitioner is part of conspiracy. No recovery has been effected from him.

Co-accused Sanjay has been granted regular bail in CRM-M No.11398 of 2021. Co-accused Manoj and Raghbir have also been granted regular bail vide order dated 31.03.2021 passed in CRM-M No.13444 of 2021.

Petitioner and Raghbir were named in the extended version.

Learned State counsel duly assisted by learned counsel for the complainant opposed the bail on the ground that during investigation, it has been found that the petitioner remained in continuous touch with the main accused namely Mintu, Manjeet and Sonu who are nephew, son and relative of the petitioner. Mobile phone has been recovered from him which was used in contacting the main accused. Motorcycle used in the crime has also been recovered by the main accused from the house of one Rampal in the presence of Harikesh which was left by the petitioner.

As per allegations, Jaibir Panghal, Manjeet and Sonu opened fire upon Zile Singh and he died on account of those injuries. There are allegations of conspiracy against the petitioner along with co-accused namely Sanjay, Manoj, Raghbir and Anil who are on bail.

Having heard learned counsel for the parties, I find that complicity of the petitioner would be debatable on the basis of allegations of conspiracy along with co-accused Sanjay,

Manoj, Raghbir and Anil who have been granted regular bail. Petitioner and Raghbir were named in the extended version. Sanjay, Raghbir and Manoj have been granted regular bail by this Court on 31.03.2021.

Allegations of conspiracy would be tested by the trial Court on the basis of quality of evidence to be led by the parties.

Petitioner is in custody for the last about 06 months and is no more required in further investigation of the case.

Charges have not been framed so far.

At this stage, without commenting anything on the merits of the case and the situation arising out of pandemic COVID-19, I deem it appropriate to enlarge the petitioner on regular bail.

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

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

May 25, 2021

Jyoti Sharma

**(RAJ MOHAN SINGH)
JUDGE**

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