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

**CRM-M No.15794 of 2020
Date of Decision : 06.07.2021**

Anil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Ramnish Puri, Advocate
for the Petitioner.

Mr. Bhupender Singh, Dy. Advocate General, Haryana
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.216, dated 28.04.2018, registered under Sections 148, 149, 302, 404, 120-B of the Indian Penal Code and Section 25 of the Arms Act, 1959, at Police Station Sampla, District Rohtak.

2. The Petitioner has remained in detention in this case for more than 03 years since 18.05.2018.

3. The FIR was lodged by one Mukesh wife of deceased Anand resident of Village Karor, District Rohtak, who was shot down by many persons, who had chased him after having stopped his Car

(No.HR-56B-7377) on the relevant date. The Complainant (his wife) was with him in the Car, but hid herself on hearing the gun-shot firing. She had named the Petitioner and several other persons such as his own brother Sandeep both son of Ram Niwas, Sampat Nehra, Pardeep @ Popi, Raju, Jaiparkash, Jai Bhagwan, Baljeet, Vikash @ Bhandu, Mohit, Pardeep, Kuki, Sandeep, Vikas @ Bagga, Raj Kumar @ R.K., Rohit @ Rocky and Vicky @ Vikash son of Jai Bhagwan as accused, who according “*to her full belief*”, had murdered her husband.

4. Admittedly, there is no direct eye-witness to the occurrence which took place near the fields of the deceased. The Petitioner was nevertheless arrested for having been named in the FIR in which the Complainant had categorically stated that she had *full belief* about the involvement of the above named persons, since they had some old village enmity with her husband.

5. Admittedly, the Petitioner was already in custody on the date of occurrence in connection with some other case(s) pending against him. He was certainly not present at the spot on the relevant date. The material alleged against him happens to be that he had conspired to have the deceased Anand killed at the instance of other co-accused persons. In this regard, a mobile phone was apparently recovered from him which he had allegedly kept concealed in the Jail

where he was lodged, but no Call Detail Records or other material to show his connection with other co-accused person at any earlier point of time to support the conspiracy theory could be collected.

6. Since, there is no direct eye-witness to the occurrence, in question, so the chances of creating pressure upon the private witnesses to depose in any prejudicial way would appear to be improbable.

7. Some other co-accused persons namely Sachin @ Shooter and Mohit @ Pehalwan, have been granted regular bail not only by this Court in CRM-M No.19104 of 2021 but also by the Ld. Additional Sessions Judge, Rohtak, himself, in Bail Application No.308 of 2021, specially in view of the fact that as many as 43 witnesses have been cited from the Prosecution side, but even the first of those is yet to be examined.

8. Completion of trial, in the given circumstances, would, therefore, certainly take a considerable time due to on-going Covid-19 Pandemic. Further detention of the Petitioner for an indefinite period at this stage is, thus, not called for, he is, therefore, ordered to be released on bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned. It is, however, clarified that none of the observations recorded in this order shall have any bearing on the final outcome of the trial, and the Ld.

Trial Court shall pronounce its Judgment independently on its own merits without being influenced by any observation noted in this order.

9. Disposed off.

July 06, 2021
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No