

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

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**CRM-M-20477-2021
Date of decision: 02.07.2021**

Parveen @ Panna @ Sonu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sanjeev Majra, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.62 dated 23.02.2019 registered under Sections 120-B, 302 and 386 read with Section 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Badshahpur, District Gurugram.

Briefly stated the facts relevant for disposal of present petition are that on 23.02.2019 on receipt of telephonic information regarding one person having been shot, S.I. Kartar Singh reached Medanta Hospital where the injured had been taken. There complainant-Dheeraj made statement to S.I. Kartar Singh that on 22.02.2019 he received a call from Vijay Batra and when he was going to meet him and reached in front of Parsvanath Green Villa, he saw Vijay Batra lying injured in his car and came to know that some persons

who came in car bearing registration No.HR-26-DS-6435 had fired at him. He took Vijay Batra to Medanta Hospital where he was declared brought dead. About one and half months back, Vijay Batra had told him that Kaushal, a gangster of Naharpur Rupa had been demanding amount of Rs.50,00,000/- from him and had threatened to kill him if the amount was not paid. In view of statement of Vijay Batra, the above-said FIR was registered.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State in terms of reply filed by way of affidavit of Dharamvir Singh, HPS, Assistant Commissioner of Police, Crime-II, Gurugram in the Registry of this Court which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was not present on the spot at the time of occurrence and did not participate in the commission of the alleged offences. No recovery was made from the petitioner. The petitioner has been implicated on the basis of disclosure statement of the co-accused. The petitioner is alleged to have bought pistol from Rajesh Bharti and to have supplied the same to co-accused Satish @ Pahwa who murdered Vijay Batra by firing on him with the said pistol. The petitioner is not involved in any other criminal case. The trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19. No useful purpose will be served by

further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner conspired with his co-accused and actively participated in commission of murder of Vijay Batra by supplying the pistol to co-accused Satish @ Pahwa. In view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation, role attributed to the petitioner and evidence against him and also the fact that the petitioner has been implicated in the case on the basis of disclosure statement of the co-accused and no recovery was made from him coupled with the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

02.07.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No