

IN THE HIGH COURT OF PUNJAB AND HARYANAAT CHANDIGARH

CRM-M-20880-2021

DATE OF DECISION: MAY 28, 2021

SANDEEP

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. ANSHUMAN DALAL, ADVOCATE
FOR THE PETITIONER.

MR. SUKHDEEP SINGH PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.424 dated 14.12.2019, under Section 148, 149, 302, 307, 120-B IPC and Section 25 Arms Act, Police Station Kharkhoda, Sonipat. The petitioner is in custody since his arrest on 23.9.2020.

The FIR was registered on the basis of statement made by Tek Ram alleging that he has two daughters and one son Deepak. About 4 months ago his co villager Pardeep @ Maggi had a quarrel with boys of village Thana Kalan. Deepak used to remain with Pardeep. On 14.12.2019, his son was going to deliver food to the labour in the fields on motorcycle and Pardeep was sitting as a pillion. He was coming from his fields and when he reached in front of the fields of Balbir, a white coloured Accent car came at a fast speed from his village and Sandeep alongwith 3-5 other accomplices alighted from it and fired at his son. Prior to firing, the said car

hit the motorcycle of his son Deepak from behind. Pardeep fled from the scene on the motorcycle. He further stated that the said car was roaming in the village for the past few days and due to old enmity with Pardeep, Sandeep alongwith his accomplices killed his son. He further stated that while he was taking his son to Government Hospital, Sonipat for treatment, Deepak died on the way. On these broad allegations the present FIR was registered.

Learned counsel for the petitioner contends that the petitioner is named in the FIR, but no substantive role has been attributed to him, who has been indicted on the basis of criminal conspiracy. Learned counsel has relied upon order dated 26.3.2021 (Annexure P-4) to contend that similarly situated co-accused, namely, Ramesh has already been released on regular bail. He submits that the victim died as a result of gunshot injury and as per the prosecution, neither the petitioner fired any gunshot in the said occurrence nor any weapon was recovered from him. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by SI Pawan Kumar has opposed the aforesaid prayer on the ground that the offence is serious and the petitioner is named in the FIR. However, it is not disputed that as per the prosecution, the victim died as a result of gunshots fired by his co-accused. Mr. Parmar, learned State counsel on instructions, has stated that the prosecution has examined only one witness out of total 29 witnesses.

Considering the above background and the fact that similarly situated co-accused of the petitioner has already been released on regular

bail, therefore, this Court does not find any reason to decline the prayer. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the State governments of Punjab, Haryana and U.T. Administration, Chandigarh to impose various restrictions to clampdown the contagion, and it would further delay the conclusion of trial. Admittedly, the petitioner is not involved in any other case of similar nature. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 23.9.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

May 28, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No