

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

S. No.206

**CRM-M-21784-2021
Date of Decision: 08.06.2021**

MANJIT

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

ARCHANA PURI, J. (ORAL)

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

This is a petition under Section 439 Cr.P.C. filed by the petitioner, namely, Manjit, for grant of regular bail in case bearing FIR No.461 dated 30.12.2020 under Sections 120-B, 302, 307 and 34 IPC and Sections 25 and 27 of Arms Act, Police Station Urban Estate, District Rohtak.

Notice of motion.

Mr. Vivek Saini, Additional Advocate General, Haryana, accepts notice on behalf of the respondent-State.

Heard learned counsel for the petitioner as well as learned State Counsel and perused the record.

The aforesaid FIR was got registered at the instance of Krishan. As per version of the prosecution, about one-and-a-half months prior to the occurrence, Kuldeep resident of Kanheli, District Rohtak, had come to the house of the complainant and apprised him about his niece, namely, Puja, who was earlier married in Village Kheri Jat, District Jhajjar, to have ended her

relationship and now he (Kuldeep) is interested to marry his niece to Rohit, son of the complainant, as they are in love with each other. The complainant had agreed for performance of the said marriage and Kuldeep had also apprised the complainant that they shall ask him to come to Rohtak Court for solemnization of the marriage between Puja and Rohit. The marriage was fixed for 30.12.2020. Kuldeep had made a call from his mobile phone on the mobile phone of the complainant, thereby asking him to come to Rohtak Court. Then, complainant along with his wife, sons, namely, Mohit and Rohit, and daughter, had gone to Rohtak Court, but Kuldeep and his family members had not turned up there. At about 3:30 p.m., Kuldeep had made a call to the complainant, thereby asking them to come at Delhi by-pass near Manish Dhaba. The complainant along with his family members hired a car and reached there and saw that Kuldeep was already standing there in his car. Complainant had noticed Kuldeep, his son Kapil and few other persons sitting in the car. They had come out of the car and all of a sudden, Kuldeep had taken out a gun and fired at Rohit, son of the complainant with an intention to kill him. After firing shot at Rohit, Kuldeep had asked his son-Kapil to fire at Puja as well, who was sitting in the car with an intention to kill her. Puja also dead. Rohit had also succumbed to the fire injuries, whereas Mohit was under treatment.

Now, it is submitted by learned counsel for the petitioner that the petitioner, namely, Manjit, was not present at the spot and no specific role has been assigned to him, the occurrence in question. Learned counsel submits that the petitioner is in custody since 30.12.2020. Learned counsel has further submitted that Manjit is stated to have conspired with other assailants, so as to take care of the litigation, if any, arising due to the conduct of the other accused.

Also, it is submitted by learned counsel that though the prosecution version is

about Puja and Rohit to have been killed with an intention to grab the property of Puja, but however, Puja had already transferred her property in favour of Kuldeep, the main accused, vide surrender deed dated 21.12.2020, copy whereof is Annexure P-6. On the other hand, occurrence had taken place on 30.12.2020, which in itself improbabilizes the version of the prosecution. As such, a prayer has been made for grant of regular bail to the petitioner.

On the contrary, learned State Counsel has resisted the claim for grant of regular bail to the petitioner, as he submits that even though, the petitioner was not present at the time of occurrence, but however, the disclosure made by Kuldeep, main accused, shows that the petitioner had conspired with the other accused. Also, it is submitted that till date, no witness, as such, has been examined and in case, the petitioner is released on regular bail, then there are chances of the petitioner, winning over the witnesses. As such, a prayer has been made for dismissal of the bail petition.

Undisputedly, the complainant in his statement had not specifically assigned any role to the present petitioner. The firing had been caused by Kuldeep, Kapil and one more person (who was later identified to be Vikas @ Vicky). Moreover, there are no accusations of Manjit to be present at the time of occurrence or to have actively participated in the same. In the disclosure statement of Kuldeep, there is mention of present petitioner to have conspired to take care of litigation, if any, arising, in pursuance of the case registered against his father-Kuldeep and brother-Kapil, and also to make arrangements of the funds to pursue the litigation.

It is to be seen that the accused is in custody since 30.12.2020. Further, as now disclosed by learned State Counsel that challan has already been presented. However, no witness has yet been examined. As such, the conclusion of

trial is likely to take time, more particularly in view of the restricted working due to Covid-19 pandemic.

Considering the aforesaid fact situation, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

(ARCHANA PURI)
JUDGE

08.06.2021
himanshu

Whether speaking/reasoned : Yes

Whether reportable : Yes/No