

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

214

CRM-M-23581-2021

Date of Decision: 30.06.2021

ROHIT GODARA @ RAWAT DASS

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vinod Ghai, Senior Advocate with
Ms. Kanika Ahuja, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Gurmit Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.250 dated 03.12.2019 at Police Station City Malout, District Sri Muktsar Sahib, Punjab under Sections 302, 307, 34 IPC and Sections 25, 27 of Arms Act.
2. The FIR was lodged at the instance of Jacky Kumar, wherein it is alleged that he runs a car business as well as liquor business with Manpreet Singh, whom he knows since the last about 15-20 years. It is alleged that on 03.12.2019, Manpreet Singh left for exercising in the gym at about 5 PM as usual. The complainant and Abhi Babeja also went there in their car, but did not exercise. It is alleged that at about 6:45 PM, 4 young persons came in a cherry coloured Brezza car and started firing at Manpreet @ Manna with their weapons and also fired at the complainant, who sustained an

injury on his left leg. The complainant and Manpreet Singh were taken to hospital, but Manpreet Singh succumbed to his injuries.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has subsequently been nominated as an accused on the allegations that he had conspired with the main accused. Learned counsel in order to hammerforth his aforesaid submission has drawn the attention of this Court firstly to a statement of Kuldeep Singh (father of deceased Manpreet) annexed as Annexure P-2, wherein he has stated that on the day of occurrence he was also present at the spot and had seen a Brezza car and also an Innova car and that the occupants of the Brezza car had fired at his son and also at Jacky Kumar. He has further stated that 2 persons had stepped out from the Innova vehicle, who were Parminder Singh and Sham Lal @ Daddy and had raised '*lalkara*' to the effect that they had achieved their motive. Kuldeep Singh further stated therein that his son had been murdered by Dial Singh Kolianwali by hatching a conspiracy with his son Parminder Singh and Sham Lal @ Daddy, MC by way of hiring 4 professional killers.

4. Learned counsel for the petitioner has thereafter referred to a supplementary statement of the complainant Jacky Kumar (Annexure P-4), wherein he stated that upon inquiries made by him, he had come to know that Lawrence Bishnoi, a known criminal, had taken responsibility of the incident as was also evident from his facebook account. Learned counsel has further referred to DDR dated 25.12.2019 (Annexure P-6), wherein it is

recorded that Lawrence Bishnoi during the course of interrogation had disclosed that he had discussed with his confidant Raju Basodi through a call made by internet and that Raju Basodi had further asked his accomplices Kapil, Rahul, Rajan and Rajesh to eliminate Manpreet Singh, who further discussed the matter with the petitioner Rohit Godara. It is further recorded in the said DDR that the petitioner had instigated the aforesaid 4 persons namely Kapil, Rahul, Rajan and Rajesh and had also arranged residence for them so as to enable them to murder Manpreet Singh.

5. It has been submitted that the petitioner has apparently falsely been implicated in the instant case and was arrested in the instant case while he was already in custody in another case and which itself would show that the petitioner would not have been able to conspire in any manner with the other accused. It has further been submitted that the petitioner, in any case, has been behind bars since the last about 1 year and 7 months and as such deserves the concession of bail.
6. The learned State counsel has, however, opposed the petition and has submitted that the petitioner is part of a notorious gang headed by Lawrence Bishnoi and the petitioner himself stands involved in as many as 14 other cases. The learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year and 7 months and that charges are yet to be framed and consequently none of the cited 28 PWs has been examined.
7. I have considered rival submissions addressed before this Court.

8. It is not disputed that the petitioner, even as per the case of the prosecution, is neither named in the FIR nor is stated to be amongst the 4 assailants who had allegedly fired at the deceased or at the complainant. The petitioner had been nominated as an accused with the allegation that he had conspired with the remaining accused and had provided accommodation to the 4 assailants who had committed the murder of Manpreet and had also fired at the complainant. The admissibility of the evidence on which the prosecution relies as far as the petitioner is concerned would be debatable. In any case, since the petitioner has already been behind bars for a substantial period of 1 year and 7 months and the trial is yet to commence inasmuch as even the charges have not been framed so far, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.06.2021

VY/Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No