

In virtual Court

CRM-M-20688-2020

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20688-2020 (O&M)

Date of decision: 08.03.2021

Rohit Seth

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ajaypal Singh Srawaan, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.339 dated 11.09.2019 under Sections 302, 201, 34 IPC, registered at Police Station Pinjore, District Panchkula.

Learned counsel for the petitioner submits that the petitioner is in custody for the last 01 year, 05 months and 07 days and only 01 PW has been examined so far. It is further submitted that in the FIR, registered at the instance of Nirmal Singh @ Kaka, it is stated that he is taxi driver and has two brothers. His brother Parvinder Singh @ Bittu also plies taxi and on 10.09.2019, his taxi

was hired by five passengers for Baddi, Himachal Pradesh and he had informed this fact to his wife Jaspreet Kaur that he is going to Baddi. After 15-20 minutes, when Jaspreet Kaur tried to talk him, his phone was found switched off and then information was given to the complainant. Finding some suspicion, they started inquiring from the place and next day, came to know that on the previous night, dead body was found on roadside, which was of his brother, who died due to the injuries sustained on his head.

Learned counsel for the petitioner has further submitted that during the investigation, the police arrested main accused Pawan Gupta along with the petitioner. It is also submitted that as per the investigation, fatal injury was caused with a country-made pistol by Pawan Gupta and the petitioner was accompanying him. Learned counsel has referred to the injuries sustained by the victim in the MLR, to submit that the same are not attributed to the petitioner. It is next argued that the petitioner is in long custody and conclusion of the trial will take some time.

Reply by way of affidavit of Assistant Commissioner of Police, Kalka is on record and in this affidavit, it is stated that the police, on recovering the dead body, carried out the investigation and found that five persons, including petitioner Rohit Seth, Shiv Parkash Tiwari, Pawan Gupta and Sushant, hired taxi of the deceased. During the investigation, a mobile phone and clothes worn by the petitioner, with blood stains, were recovered and were taken in possession. As per disclosure statement of the petitioner, he along with aforesaid co-accused hired the taxi with a conspiracy to kill the driver and in

that process, Pawan Gupta fired a shot on head of the driver and he died and they thrown away his dead body on the road and ran away, however, the car was left by them on Baroti Wala Road and thereafter, they changed their clothes. It is also stated that the blood stained clothes were recovered from room of Pawan Gupta and therefore, conspiracy between them is proved.

After hearing learned counsel for the parties and considering the serious allegations in the FIR, I find no ground to grant regular bail to the petitioner.

Accordingly, the present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

08.03.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No