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

CRM-M-34885-2020

Date of decision-26.03.2021

Ramesh**....Petitioner****Vs.****State of Haryana****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Anshumaan Dalal, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Vikas Gulia, Advocate for the complainant.

MANOJ BAJAJ, J.

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 registered under Sections 148, 149, 302, 307 and 120-B Indian Penal Code, 1860 and Section 25 Arms Act, 1959 at Police Station Kharkhoda, Sonipat, District Sonipat. The petitioner is in custody since his arrest on 17.12.2019.

The FIR was registered on the basis of statement of complainant-Tek Ram and the allegations as noticed by the learned Sessions Judge, Sonipat in the order dated 06.10.2020 are as under:-

“The present case was registered on the basis statement given to the police by Tek Ram son of Ramphal with the allegations that about four months ago, Pardeep alias Maggi son of Sajjan had quarreled with some boys of village Thana Kalan.

His son Deepak used to remain in the company of said Pardeep. On 14.12.2019, his son was going to serve meals to labourers in the fields on his motorcycle while Pardeep alias Maggi was the pillion rider. He himself was returning to his house from the fields and when he reached near the fields of Balbir, one accent car came from the side of village and hit the motorcycle. Sandeep resident of Thana Kalanand his 3-4 companions alighted from the car and they shot at this son while Pardeep ran away from the spot. He further alleged that said car was moving in the village for the last few days and due to previous grudge, Sandeep and his companions have committed murder of his son. On the basis of this statement, formal FIR was registered.”

Learned counsel for the petitioner contends that complainant-Tek Ram did not mention the name of petitioner in the FIR, who was implicated later on through the supplementary statement dated 17.12.2019 (Annexure P-3). He submits that the petitioner has been indicated as an accused only on the strength of criminal conspiracy punishable under Section 120-B IPC, as the alleged gun shot was fired upon the victim (Deepak) by co-accused-Ajay son of Jai Singh. He submits that petitioner is not keeping good health, who is getting treatment from PGIMS Rohtak and drew the attention of the Court to his medical record (Annexure P-4). According to him, petitioner is not involved in any other case, therefore, his further custody may not be necessary as the trial is likely to consume considerable time to conclude. He prays for bail.

The prayer is opposed by learned counsel appearing on behalf of the complainant on the ground that the companion of the

victim, namely, Pardeep @ Maggi had enmity with the assailants and the petitioner also participated in the crime by hatching conspiracy. He submits that the petitioner does not deserve the concession of bail.

Learned State counsel assisted by SI Pawan has also opposed the prayer on the ground that the petitioner was involved in the crime. He submits that the vehicle used in the crime was provided by the petitioner, therefore, he was indicted as an accused. According to him, the weapon used in the crime was recovered from Ajay.

At this stage, learned counsel for the petitioner has pointed out that even the vehicle used in the crime was recovered from said co-accused-Ajay and petitioner is not the owner of the vehicle.

This fact is not disputed by learned State counsel that the vehicle was also recovered from co-accused-Ajay, and learned State counsel on instructions further states that the petitioner is not involved in any other case. He has pointed out that the charges were framed on 01.03.2021, however, no prosecution witness has been examined till date.

After hearing the rival submissions of learned counsel for the parties and considering the above background, this Court finds that the investigation of the case is complete and the charges were also framed on 01.03.2021, but trial is yet to commence. It is apparent that the trial is likely to consume considerable time to conclude, therefore, 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. Apart from it, the material witnesses are either the close relatives of victim or police officials and there does not seem to be any possibility of their being won over.

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

The petition is allowed.

26.03.2021

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No