

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-40524-2021 (O&M)
Date of Decision:- 20.12.2021

Monu

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Chanderhas Yadav, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Vinod.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.34, dated 20.2.2019, Police Station Dujana, District Jhajjar, under Sections 452, 302, 120-B IPC and Section 25 of Arms Act.
2. The FIR was registered at the instance of Meena Devi (now arrayed as an accused) wherein she alleged that she has a son namely Parmod @ Monu. On 18.2.2019, at about 6.30 pm while she along with her son was sitting in the courtyard of their house, Parmod received a

telephone call and the caller threatened that he wanted to teach Parmod a lesson. It is alleged that on 20.2.2019 at about 4.30 am, while she and her son were present at home, she asked her son to switch on the rod used for heating water. After a short-while, she heard a loud noise and upon hearing the same she rushed towards Monu and saw that he had been hit with a pistol shot in his chest and who died on account of the same.

3. It is further the case of prosecution that during the course of investigation, one Saurav was arrested on 6.3.2019 in connection with another case i.e. FIR No. 52, dated 5.3.2019, Police Station Dujana, Jhajjar, under Sections 25, 54, 59 of Arms Act (Annexure P-2), and during interrogation he disclosed that co-accused Pardeep had an affair with the complainant which was objected to by complainant's son namely Parmod @ Monu and that the complainant in conspiracy with Pardeep hatched a plan to eliminate deceased Parmod @ Monu and they hired his (Saurav) services and also the services of the petitioner for killing Parmod @ Monu. It is further the case of prosecution that Saurav also stated that it is the petitioner who had fired from a 12 bore gun at the deceased leading to his death.
4. Learned counsel for the petitioner has submitted that the story as projected during the course of investigation by the prosecution is highly unnatural and is not believable that a lady would conspire to get her own son killed. It has further been submitted that there is no eye witness to the occurrence and that the case of the prosecution

mainly banks on the disclosure statement made by the co-accused which would hardly carry any evidentiary value. Learned counsel has further submitted that co-accused Saurav, Meena Devi and Pardeep have already been granted bail and that in fact it is Saurav who is the main accused who had motive to eliminate the deceased.

5. Opposing the petition, learned State counsel has submitted that apart from the disclosure statement, the police has been able to recover the gun used for commission of offence and that as per the report of the Ballistic Expert, the pellets (numbering about 80) recovered from the body of the deceased could have been fired from the recovered gun. Learned State counsel has further submitted that it is the petitioner who had fired from the gun and as such he cannot claim parity with the co-accused against whom there are no allegations of firing at the deceased. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 2 ½ years and as on date only 4 out of the cited 36 PWs have been examined. Learned State counsel has further submitted that the complainant Meena who has subsequently been arrayed as accused has confessed her guilt and has stated that it is the petitioner who had fired at her son.
6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that there is no eye witness to the occurrence other than the complainant herself who has later been arrayed as an accused. The petitioner came to be nominated as an accused on the basis of a disclosure statement made by co-accused Saurav, the

admissibility and veracity of which would be debatable. Other co-accused including Pardeep who had a motive to eliminate the deceased has already been granted bail by this Court mainly on the ground of delay in conclusion of trial. In the instant case the petitioner has been behind bars since the last more than 2 ½ years. Conclusion of trial will take time as till date only 4 out of the cited 36 PWs have been examined. The petitioner is not stated to be involved in any other case. In these circumstances, mainly on account of the fact that the conclusion of trial is likely to consume time, 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 bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.12.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No