

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

106

**CRM-M-36765-2020
Date of decision: 09.02.2021**

Rahul @ Sadhu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Punit Malik, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G. Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.62 dated 23.02.2019 registered under Sections 302, 386 and 120-B read with Section 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Badshahpur, District Gurugram.

Briefly stated the facts relevant for disposal of present petition are that on 23.02.2019 on receipt of telephonic information regarding one person having been shot, S.I. Kartar Singh reached Medanta Hospital where the injured had been taken. There complainant-Dheeraj made statement to S.I. Kartar Singh that on 22.02.2019 he received a call from Vijay Batra and when he was going to meet him and reached in front of Parsvanath Green Villa, he saw Vijay Batra lying injured in his car and came to know that some persons who came in car bearing registration No.HR-26-DS-6435 had fired at

him. He took Vijay Batra to Medanta Hospital where he was declared brought dead. About one and half months back, Vijay Batra had told him that Kaushal, a gangster of Naharpur Rupa had been demanding amount of Rs.50,00,000/- from him and had threatened to kill him if the amount was not paid. In view of statement of Vijay Batra, the above-said FIR was registered. During investigation the co-accused implicated the petitioner as the person who had conducted the *recce* on which the petitioner was arrested on 24.07.2019.

The petitioner, who is in custody since the date of his arrest, has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Sh. Sandeep Kumar, HPS, Assistant Commissioner of Police, Sohna, Gurugram in the Registry which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case for extraneous considerations. No overt act is attributed to the petitioner and there is no evidence regarding participation of the petitioner in the crime. No recovery was made from him. Similarly placed co-accused Inderjit @ Inder, Ravi, Akash @ Sonu Chokker, Anil and Dinesh have already been granted regular bail by this Court vide orders dated 25.08.2020, 10.09.2020, 14.09.2020, 25.02.2020 and 16.10.2020 respectively. The trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 and no useful purpose will be served by

further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that the petitioner conducted *recce* and participated in commission of the crime. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, role attributed to him, parity with co-accused Inderjit @ Inder, Ravi, Akash @ Sonu Chokker, Anil and Dinesh who have already been granted regular bail by this Court vide orders dated 25.08.2020, 10.09.2020, 14.09.2020, 25.02.2020 and 16.10.2020 respectively, coupled with the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

09.02.2021

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**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No