

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

204

CRM-M-42229-2021

Date of decision: 03.12.2021

RAJA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana
for the respondent-State.

SANT PARKASH, J. (ORAL)

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 537 dated 20.07.2020 registered under Sections 302, 341, 148, 149 and 120-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station HTM Hisar District Hisar, Haryana.

Brief facts of the case are that the on 20.07.2020, at about 4.00 p.m., Mukesh alias Pardhan son of Om Parkash was returning home from Mahabir Colony on scooty after doing some personal work and when he reached near Hanuman Temple, then Sunil @ Poli, Gulshan @ Goldy and Balram @ Lafar along with 3-4 young boys, armed with pistols, waylaid Mukesh @ Pardhan. Complainant-Om Parkash along with Abhishek @ Bharti after returning from the fields were already standing near Hanuman Temple. Sunil @ Poli fired gun

shot from his pistol at Mukesh @ Pardhan on which Mukesh @ Pardhan threw his scooty and ran towards the street. Balram, Gulshan and other boys opened indiscriminate firing at Mukesh @ Pardhan hitting him in the process on which Mukesh @ Pardhan fell on the ground. On raising alarm by Om Parkash and Abhishek @ Bharti, the accused persons left the spot on their motorcycles along with their respective weapons.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Rajbir Singh, HPS, Deputy Superintendent of Police, Hisar-1 in the Registry which is taken on record.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case on disclosure statements suffered by co-accused Sunil @ Poli, Gulshan @ Goldi, Balram @ Lafar, Suraj @ Bachhi. Apart from their disclosure statements, there is no other incriminating evidence regarding involvement of the petitioner in the present case. No specific role has been attributed to the petitioner regarding causing any injury to the son of the complainant. Co-accused Pushpa Rani, whose role attributed in the present case is much more that the petitioner has already been granted bail by learned Additional Sessions Judge, Hisar vide order dated 04.05.2021. The petitioner is in custody since 02.10.2020. Trial is likely to take long time due to restrictions imposed to prevent spread of

infection of Covid-19. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel opposed the submissions of learned Counsel for the petitioner and has submitted that the petitioner was well aware of the murder planning of Mukesh @ Pardhan and had arranged to provide motor cycle to co-accused Suraj @ Bachhi through co-accused Bharat Singh @ Bhartha. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Having considered the facts and circumstances of the case, nature of accusation, role attributed to the petitioner that he had arranged for the motorcycle and was not directly involved in the shooting incident but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Therefore, the petition is allowed and the petitioner-**Raja** 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.

03.12.2021
kavneet singh

(SANT PARKASH)
JUDGE

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