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

**CRM-M No.43221 of 2020
Date of Decision: 11.11.2021**

BANTI

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vikas Gulia, Advocate
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail in his second attempt under Section 439 Cr.P.C in case bearing FIR No.423 dated 07.09.2019 registered under Sections 302, 34, 120-B IPC (Section 364 IPC added in challan/report under Section 173 Cr.P.C.) at Police Station Gohana City, District Sonapat.

Earlier petition bearing CRM-M No.6083 of 2020 was got dismissed as withdrawn on 24.08.2020.

The FIR was lodged at the instance of complainant-Arjun with the allegations that Ritu had solemnized marriage with him against the wishes of her family members. On

07.09.2019, Ritu was suffering from fever. In the morning sister of Ritu namely Anjali made a telephonic call to Ritu. Ritu told her that she was suffering from fever. Her sister, Anjali suggested her to take medicine from Dr. C.D. Sharma at Gohana. She and her mother will meet her there. The complainant and Ritu went to Gohana to take medicine. When they were at a place behind of Balmiki Chowk, brother-in-law of the complainant namely Sandeep and Ajit @ Jeeta met them and took them to hospital of Dr. C.D. Sharma. Mother-in-law of the complainant namely Shyamo and sister-in-law namely Anjali met them there. They asked Ritu to join them for having water balls (Golgappe). Ritu refused to have water balls, but on their insistence, she went along with them. Brother-in-law of the complainant namely Sandeep asked the complainant to join him, but the complainant refused the same. Then Sandeep asked him to wait there and in the meantime, he will drop Ritu. After one and half hour, Sandeep, Ajit @ Jeeta and the petitioner came on motorcycle having *farsa* in their hand. They raised *lalkara* that they have already taught a lesson to Ritu for solemnizing marriage with the complainant and now they will teach a lesson to the complainant also. On seeing them, the complainant ran away from the spot.

As per disclosure statement of Sandeep, he alone committed the murder of Ritu after locking her in a room with a *farsa*. He was accompanied by Parveen also.

Learned counsel for the petitioner submits that the role of the petitioner is that after commission of murder of Ritu, he was also with Sandeep and Ajit @ Jeeta on the motorcycle in order to catch hold of the complainant, but they could not succeed as the complainant on seeking them ran away from the spot. Petitioner is accused of conspiracy under Section 120-B IPC. All the material witnesses including the complainant have been examined before the trial Court.

Learned counsel further submits that the complainant Arjun has been examined as PW-13 and he has not supported the case of the prosecution. Nothing incriminatory could be extracted from his cross-examination.

The factual position of the case could not be disputed by learned State counsel, however he submits that the petitioner is also part of the conspiracy in terms of knowledge for the commission of offence.

Having heard learned counsel for the parties, I am of the view that the role of the petitioner would be scrutinized on the basis of material/evidence to be led by the prosecution.

At this stage without forming any opinion on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail, who is in custody since 11.09.2019.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing

adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

November 11, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No