

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

CRM-M-44099-2020 (O&M)

Date of decision: 30.07.2021

Devender

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Rakesh Nehra, Sr. Advocate with
Mr. Atul Ravish, Advocate
for the applicant-petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

CRM-20931-2021

Prayer in this application is for preponing the date of the main case which is fixed for 08.09.2021.

For the reasons stated in the application, the same is allowed. Let the main case be preponed and taken up today itself.

CRM-M-44099-2020

Prayer in this petition, filed under Section 439 Cr.P.C., is for grant of regular bail to petitioner in case FIR No. 233 dated 27.08.2020, registered under Sections 302, 120-B of the IPC and Section 25 of the Arms Act, 1959 at Police Station Lakhan Majra, District Rohtak.

Learned senior counsel for the petitioner argues that as per

allegations in the FIR, registered at the instance of complainant Rakesh, it is stated that his elder brother, namely Jai Bhagwan (deceased), is doing the work of dairy farm in the village. On 27.08.2020, his brother had gone out of the house carrying milk canes on the motorcycle bearing registration number HR-15-E-0480. When he reached near the canal in village Chandi at Jind-Rohtak road, some unknown assailants have killed his brother by firing gun shots indiscriminately. On receiving the information, the complainant reached at the spot and found that dead body of his brother was lying on the roadside and his motorcycle was lying parked on the road. Empty cartridges and one magazine were also lying at the spot.

Learned senior counsel further submits that during investigation, wife of the deceased, namely Preeti, has given another complaint on 30.08.2020 levelling allegations against co-accused Sarita, her son Ravi and her brother Devender, the present petitioner. Thereafter, Section 120-B IPC was added.

Learned senior counsel further submits that during investigation, wife of the deceased has stated that the above named three persons are involved in the killing of her husband as he used to collect milk from Sarita and in that process, she became friendly with deceased one and a half year ago and this fact was also in the knowledge of Preeti and even she had rebuked co-accused Sarita. On that account, Sarita started nursing grudge against the deceased as well as his wife Preeti and by hatching a conspiracy with her brother (petitioner herein) and son Ravi, she got killed Jai Bhagwan. A similar statement was also made by complainant Rakesh.

Learned senior counsel further submits that there is a delay in disposal of the trial as the petitioner is in judicial custody for the last about 11

months and there is no direct evidence against the petitioner as the case is based on circumstantial evidence. It is also argued that the motive was attributed to co-accused Sarita with whom, the wife of the deceased had a doubt that she had developed some relationship with deceased Jai Bhagwan.

Learned senior counsel further argues that son of co-accused Sarita, namely Ravi (another co-accused), is missing since December, 2019 and, therefore, his involvement is doubtful.

It is also submitted that the petitioner is working at a different place and he has been nominated only because he is the brother of the main accused Sarita.

In reply, learned State counsel has opposed the prayer on the ground that Preeti, wife of deceased Jai Bhagwan, has specifically mentioned the petitioner as one of the conspirator, being real brother of main accuse Sarita and maternal uncle of co-accused Ravi.

Learned State counsel, on the basis of the affidavit of the Inspector/IO, further submits that petitioner was arrested along with his sister Sarita and both of them made disclosure statement that since Sarita was having relationship with deceased, this fact came to the notice of Preeti and when she insulted Sarita, all the three accused made a plan to kill Jai Bhagwan.

Learned State counsel further submits that during investigation, the evidence of conspiracy was collected and one Samsung mobile phone, used by Sarita for communicating with deceased Jai Bhagwan, prior to the shootout, was recovered. It is also submitted that all the three accused, in conspiracy with each other, have killed Jai Bhagwan, wherein Ravi has opened fire killing Jai Bhagwan on 27.08.2020.

Learned State counsel further submits that evidence of the complainant is yet to be recorded and in case the petitioner is released on bail, there is a possibility that he may try to influence the prosecution witnesses or may flee from the process of law as one of the co-accused, i.e. Ravi, has not been arrested so far.

After hearing learned counsel for the parties, considering the serious allegations against the petitioner, I find no ground to grant concession of regular bail to petitioner.

Accordingly, the present petition is dismissed.

30.07.2021
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>