

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

**CRM-M-5687-2022
Date of decision: 27.05.2022**

Ajit alias Jeeta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Rakesh Sharma, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 423 dated 07.09.2019, for offence punishable under Sections 302, 120-B read with Section 34 of the IPC (Section 364 IPC added later on) at Police Station City Gohana, District Sonapat.

Learned counsel for the petitioner, at the very outset, relies upon order dated 11.11.2021 passed in CRM-M-43221-2020, vide which co-accused Banti has already been granted the concession of regular bail by this Court. The operative part of the order reads as under:

“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.”

For the sake of brevity, the facts are not reproduced again.

Learned counsel for the petitioner further submits that as per allegations of the complainant/PW-13, three persons came on a motorcycle, namely Sandeep, petitioner Ajit @ Jeeta and aforesaid Banti, who has already been granted the concession of regular bail by this Court. It is further submitted that except role of conspiracy, there is no other other attribution to the petitioner as he is only a friend of co-accused Sandeep, who is the brother of deceased Ritu.

Learned counsel for the petitioner has also referred to another order dated 28.01.2022 passed in CRM-M-1120-2022 granting regular bail to co-accused Amit @ Sarpanch, wherein it was noticed by this Court that the allegation against the said person was that he has provided a *Farsa* to main accused Sandeep.

In reply, learned State counsel, on the basis of the custody certificate as well as affidavit of the SHO/IO of the police station concerned, submits that in the investigation it was found that *Farsa* was provided by the present petitioner to co-accused Sandeep.

A perusal of the custody certificate shows that the petitioner is in judicial custody for the last 02 years, 08 months and 14 days and some of the material witnesses, who have been examined, have been declared

hostile.

After hearing learned counsel for the parties, without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last 02 years, 08 months and 14 days; he is not involved in any other case; two of the co-accused have already been granted the concession of regular bail by this Court as noticed above and also in view of the fact that some of the material witnesses have been declared hostile, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

27.05.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No