

222 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5853-2022

Decided on: 17th February, 2022

Rajiv Kumar

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: None for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. Due to COVID-19 situation, the Court is convened through video conference.
2. The petitioner is before this Court for regular bail in case of FIR No. 306, dated 2nd July, 2019, under Sections 148, 149, 302, 404, 216, 120-B of Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Kurukshetra University, Kurukshetra, District Kurukshetra.
3. The above said FIR was at the instance of Rahul. It was stated that he alongwith his partners Sandeep and Jitender had gone to village Dhand to attend a marriage. There was an altercation between Rahul and Jitender along with some other persons. In that incident, leg of Jitender was broken and on the way the Jitender was kidnapped. A case was registered at Police Station Dhand. Since the complainant was in favour of Jitender,

Rahul was carrying grudge. On 2.7.2019 the complainant had gone alongwith Sandeep to Kurukshetra in car bearing registration No. HR-68-Z-5210 to meet a friend and for taking the payment of Rs. 2 lakh. At about 3:15 p.m. when they reached in front of Dera Darshan Singh, 10-12 boys armed with country made pistols, gandasi and sua came in Bolero Car bearing registration No.HR-64-3985 and attacked them. The names of the accused were specified with the weapon they were armed with and the act they did. Due to injuries sustained, Sandeep died on the spot. FIR was registered. Police investigated the matter and arrested Ranjit Singh, Satnam, Gurpreet @ Preet, Rahul, Deepak @ Sehwaq and Annupal @ Annu and filed challan against them.

4. As per the pleadings, petitioner was not named in the FIR, his name surfaced in a disclosure statement, no recovery is to be made from him, he is in custody since 9th November, 2020 and no specific role is attributed to the petitioner. Co-accused were granted bail by this Court.

5. Learned State counsel on instructions from ASI Ram Niwas opposes the prayer for grant of regular bail and submits that one sua was recovered from the petitioner.

6. Having considered the facts and especially that the petitioner's name surfaced in disclosure statement, co-accused was granted bail, further that the petitioner has been denied his personal liberty since 9th November, 2020, the conclusion of trial is likely to take time, the petitioner is granted bail on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

17th February, 2022
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |