

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-11570-2021 (O&M)
Date of Decision:- 22.2.2022

Mukesh Bhat @ Lambu

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Rosi, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Pawan Kumar.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

CRM-6392-2022

In view of the reasons mentioned in the application, the same is allowed as prayed for and Annexure P-3 and P-4 are taken on record subject to all exceptions.

CRM-M-11570-2021 (O&M)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.74, dated 29.4.2020, Police Station Bichhor, District Nuh, under Sections 188,

269, 270, 302, 34 IPC and Section 25 of Arms Act (Sections 148, 149 and 120-B IPC added later on).

2. The allegations, in nutshell, are to the effect that on 28.4.2020, the police received information to the effect that four persons who were travelling in a pickup vehicle had fired gun-shots at a person at Rehman brick kiln. Upon receipt of said information the police went to the spot from where it came to be known that it is Raghuvir who had been fired at and who had been taken to the hospital. However, when the police reached to the hospital, Raghuvir had expired.
3. It is further the case of prosecution that on 29.4.2020 Puja wife of deceased-Raghuvir got her statement recorded to the effect that on 28.4.2020 at about 10 pm, a pick-up vehicle was seen being followed by a vehicle of UP Police and that when the said vehicles were near NBC brick kiln, the occupants of the pick-up vehicle fired gun-shots and which hit Raghuvir on his head and eye, leading to his death.
4. It is further the case of prosecution that during investigation, statements of SI Neeraj and HC Parweej of UP police were recorded who disclosed that they had been following the pick-up vehicle as they had received information to the effect that some cows were being illegally transported in the said pick-up vehicle. It is further the case of prosecution that on 3.5.2020, the petitioner was arrested and who got recovered the pick-up vehicle and a country-made pistol. It is further the case of prosecution that statements of two eye witnesses namely Megh Sham and Rehman were recorded and who stated that it is the petitioner who was driving the pick-up vehicle at

the time of occurrence and that it is the petitioner who had fired at the deceased.

5. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that there is no cogent and convincing evidence to connect him with the alleged occurrence. It has further been submitted that the petitioner has no motive whatsoever for firing at the deceased. Learned counsel has further submitted that although the police has come out with a version that UP police was chasing the petitioner as there was some secret information that the petitioner was transporting cows in his pick-up vehicle, but the said information is not substantiated in any manner and that no witness has stated that cows were being transported at the time of occurrence. Learned counsel further submits that the petitioner in any case has been behind bars for a substantial period of 1 year and 9 months and is not involved in any other case and as such, deserves the concession of bail.
6. On the other hand, learned State counsel has submitted that since the officials of the UP Police who were following the petitioner have categorically stated regarding the involvement of the petitioner in transporting cows and two eye witnesses namely Megh Sham and Rehman have identified the petitioner to be driving the pick-up vehicle and having fired at the deceased, the involvement of the petitioner is clearly evident. Learned State counsel has further submitted that as per the report of FSL, the bullet recovered from the body of the deceased had been fired from the country-made pistol

which had been recovered from the petitioner. Learned State counsel has not disputed the fact that the petitioner has been behind bars since the last about 1 year and 9 months and that he is not involved in any other case. Learned State counsel has informed that in the present case charges are yet to be framed and as many as 29 PWs have been cited.

7. I have considered rival submissions addressed before this Court.
8. Without commenting anything as regards merits of the case, but while noticing that the petitioner has been behind bars for a substantial period of 1 year and 9 months and that conclusion of trial is likely to consume time inasmuch as trial has not even commenced till date as charges have not been framed and as many as 29 PWs have been cited and while also bearing in mind that the petitioner otherwise has a clean record and is not involved in any other case, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.2.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No