

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

(I)

CRM-M-15833-2022 (O&M)

Vikas @ Billu

...Petitioner

Versus

State of Haryana

...Respondent

(II)

CRM-M-21451-2022 (O&M)

Atul Joshi @ Chinha

...Petitioner

Versus

State of Haryana

...Respondent

Date of Decision: 02.06.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Vaishali Kamboj, Advocate, for the petitioner
in CRM-M-15833-2022.

Mr. A.D.S.Sukhija, Advocate, for the petitioner
in CRM-M-21451-2022.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Dhoom Singh.

Mr. Munish Mittal, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of aforesaid two petitions filed on behalf of Vikas @ Billu and Atul Joshi @ Chinha respectively, seeking grant of regular bail in respect of a case registered against them vide FIR No.0094 dated 19.07.2020 at Police Station Panjokhra, District Ambala, under Sections 302/120-B IPC and Sections 25/54/59 of the Arms Act.

2. The FIR was lodged at the instance of Ramesh Kumar, wherein it is alleged that on 19.07.2020 at about 10.30 am when he was cutting grass in his fields, then at around the same time, Deepak son of his '*tau*' (uncle) was also present in the adjoining fields and was cutting grass and they had a short conversation. After a short while, Deepak moved from his fields while carrying a bundle of grass on his head whereas he continued working in his fields. It is alleged that at about 10.45 am when Deepak reached near the house of Iqbal, he saw a young man wearing black clothes in the street and who came near Deepak and at that time the complainant heard the sound of gunfire and thereafter the said boy fled away from the spot. When the complainant reached at the spot, Deepak was found lying unconscious. Although, he was taken to hospital, but he was declared dead. The complainant alleged that Deepak was having a grudge against Atul and that he strongly believed that Atul along with his friends namely Vikas, Harneep Kumar @ Neepu, Manish, Krishan and Rajesh had hatched a conspiracy with some unknown persons so as to eliminate Deepak.
3. Learned counsel for the petitioners have submitted that they have falsely been implicated in the present case and that even as per the case of the prosecution, there was only one assailant at the spot, who had fired at the deceased and the remaining persons, who have been named in the FIR including the petitioners, have been named on the basis of suspicion. Learned counsel have further submitted that since another identically situated co-accused Krishan Kumar has already been granted bail by this

Court vide order dated 25.02.2022 (Annexure P-6), the petitioners also deserve the same concession on grounds of parity.

4. Opposing the petition, learned State counsel assisted by counsel for the complainant has submitted that petitioner Vikas has conducted *recce* of the place of occurrence so as to facilitate co-accused Harneep Kumar to successfully attack the deceased on the date of occurrence leading to his death and that as such, his complicity is clearly evident. Learned State counsel has further submitted that the complicity of petitioner Vikas would also be evident from the fact that he had contributed an amount of Rs.2000/- for purchasing the pistol with which co-accused Harneep had fired.
5. Learned State counsel while opposing the petition for Atul Joshi has submitted that Atul Joshi is also named in the FIR and that he has facilitated the escape of the main accused Harneep from the place of occurrence, as he was standing nearby on his motor-cycle, as has been disclosed by Harneep Singh and other co-accused in their disclosure statements. It has been informed that both the petitioners as on date have been behind bars since the last about 1 year & 11 months and that they are not involved in any other case. It has also been informed that till date only 1 PW out of cited 24 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioners had not directly participated in the attack on the deceased inasmuch as it is only Harneep, who had fired at the deceased and none of the petitioners was accompanying him at that point of time. Both the petitioners are otherwise alleged to have

facilitated the commission of crime. In any case, both the petitioners have been behind bars for a substantial period of about 1 year & 11 months. Conclusion of trial is likely to take time inasmuch as only 1 PW out of cited 24 PWs has been examined so far. The petitioners otherwise have a clean record and are not stated to be involved in any other case. In these circumstances, further detention of the petitioners will not serve any useful purpose. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

02.06.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**