

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

CRM-M-23024-2021 (O&M)
Date of Decision:-14.9.2022

Raman ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Akashdeep Singh, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Anil.

Mr. Rajesh Dhankar, Advocate for the complainant.

GURVINDER SINGH GILL, J. (Oral)

CRM-26479-2022

In view of the reasons mentioned in the application, the same is allowed and statement of Rozy annexed with the application is taken on record as Annexure P-14 subject to all just exceptions.

CRM-M-23024-2021 (Main Case)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.204, dated 4.6.2020, Police Station Arya Nagar, Rohtak, under Sections 302, 120-B, 34 of Indian Penal Code and Sections 25/54/59 of Arms Act.

2. The FIR was lodged at the instance of Amit, wherein it is alleged that they have an enmity with Sonu and Raman and on account of which his brother Joginder @ Juggi had been undergoing life imprisonment in a murder case and was presently availing parole. It is alleged that on 4.6.2020, when his brother had gone out somewhere and was returning back on Brezza vehicle and had almost reached their house, the complainant, who was present at home, heard noise of firing of shots and as a result of which, he went out and saw that Sonu, Raman along with 3-4 other persons, who were all armed with weapons, were firing at his brother Joginder @ Juggi. Though his brother Joginder @ Juggi alighted from the vehicle and started running towards Ramleela Ground but the said boys chased him and fired at him with their weapons indiscriminately and thereafter, ran away from the spot.
3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that in fact the occurrence in question happens to be captured in CCTV camera, which is part of the report under Section 173 Cr.P.C., which clearly reflects that the entire incident is handywork of 3 person, who had come on a scooter and had fired at the Brezza vehicle and when the complainant's brother got out from the vehicle and tried to escape from the spot, he was chased and was gunned down by those 3 persons only and no other person is shown in the said CCTV footage.
4. Opposing the petition, learned State counsel has submitted that a CCTV camera would have its limitations inasmuch as each camera can capture the images of a certain limited portion/area only and that it is not always possible to capture the entire occurrence particular when it is a case of indiscriminate firing by several persons. The learned State counsel has further submitted

that it is a case where it is the petitioner, who would have a motive to murder deceased, and as such he does not deserve the concession of bail particularly when there is another eye-witness in the shape of complainant's wife, who has also stated identically in her statement recorded in terms of Section 161 Cr.P.C.

5. I have considered rival submissions addressed before this Court and have also watched the CCTV footage, which has been shown to this Court, with the help of a laptop of the petitioner's counsel. A perusal of the CCTV footage would indicate that 3 persons are shown to have come on a scooter near the Brezza vehicle in which the deceased was travelling and had fired at the vehicle. When the deceased managed to get out of the vehicle and ran towards a street, the said three assailants chased him while firing at him in the said street and are then not visible for a short period and then all three of them came out of the street, rode on the scooter and made good their escape. The CCTV footage does not reflect the presence of any other person, who could be said to have participated in the occurrence, though of course the prosecution may be able to substantiate the involvement of some other persons, who may have conspired with the assailants. The petitioner has otherwise been behind bar for a period of about 2 years, 3 months and 8 days. The prosecution as on date has been able to examine only 2 out of cited 33 PWs. As such, conclusion of trial is likely to consume time.
6. Having regard to the above mentioned facts and circumstances, this Court does not find that further detention of the petitioner will 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.

14.9.2022
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No