

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.26400 of 2021 (O&M)
Date of Decision:20.01.2022
(Heard through VC)

Amit Dalal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. D.S. Matya, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

:-

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.79 dated 26.02.2019 registered under Sections 302, 34 IPC and Section 25 of the Arms Act at Police Station Rajendra Park, District Gurugram.

Learned counsel for the petitioner herein would argue that the FIR was registered at the instance of Ramavtar Tyagi with the allegation that on 25.02.2019, his younger son namely Sachin had gone to attend court proceedings at Gurugram in the company of Amit Dalal. On the next day, the police informed that Sachin had been shot dead by someone and the body had been kept in the hospital. The complainant found a mark of bullet on the chest of his deceased son and raised a suspicion against the petitioner herein of having killed his son in connivance with his friends. It is further argued that it is a case of blind murder as there are no witnesses, who have come forth to testify having seen the petitioner herein committing the offence as alleged. It is also argued

that Sunita Devi has improved upon the FIR by stating that the petitioner herein and others had visited her house on 14.02.2019 and had asked about her son. She had also stated that the petitioner herein had a revolver in his hand and had used threatening language. Counsel for the petitioner would also submit that this statement has been introduced as an afterthought and in case, there was any truth in the statement, they would not have allowed Sachin, their younger son, to accompany the petitioner. It is also submitted that prosecution is trying to rely upon the CD to reflect that petitioner and his accomplices had visited the house on 14.02.2019, however, the very CD is not readable and therefore, no reliance can be placed thereon. It is further submitted that alleged recovery of clothes of the deceased is from one Rahul @ Munna, who has already been allowed regular bail by this High Court along with another co-accused namely Gagan @ Gaggu in CRM-M No.34134 of 2020 by an order dated 18.03.2021 and CRM-M No.55456 of 2019 vide order dated 04.09.2020 respectively. The petitioner has been in custody for more than almost three years and the material witnesses have been examined. It is submitted that 34 witnesses have been cited and as on date, only 6 witnesses stand examined and therefore, the trial will take some time to conclude.

Learned counsel appearing on behalf of the respondent-State opposes grant of regular bail to the petitioner while contending that the allegations levelled against the petitioner are serious in nature, however, he does not dispute the fact that the co-accused have already been allowed regular bail by this High Court.

I have heard learned counsel for the parties and have also perused the paper book. Keeping in view the fact that the petitioner herein has been in custody for almost three years and the fact that the co-accused have already

been granted regular bail by this High Court as well as the fact that the trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind bars. Consequently, the instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of adequate personal/surety bonds to the satisfaction of concerned trial Court/Duty Magistrate. However, it is made clear that any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

January 20, 2022
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No