

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-33042-2022 (O & M)****Date of decision: 29.08.2022**

Ravi @ Dost

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Parveen Sharma, Advocate, for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No. 444 dated 07.06.2021 under Sections 302, 120-B, 34 IPC and Sections 25, 27, 54, 59 of the Arms Act (Section 212 IPC and Section 29 of the Arms Act added later on) registered at Police Station Kharkhoda, District Sonapat (Annexure P-1).

2. The brief facts of the case are that Jagbir Singh son of Sukhram got registered the present FIR with the allegations that he had two sons, namely, Amit and Ajit and a daughter, namely, Manju. His elder son- Amit was aged 28 years. In the year 2018, in the murder of one Rakesh sonof Om Parkash, his son Amit, Deepak son of Satbir and Anita wife of

Rakesh were accused and the said three persons were arrested. In that case,

his son Amit had come on bail in March, 2021. A few days prior to the occurrence while he (complainant) was sitting in front of his house, then, Arjit son of Rakesh and Sonu son of Ajit came to his house and asked about the whereabouts of Amit. They informed him (the complainant) that they wanted to take a revenge of the murder of their father and stated that they would kill Amit on getting a chance. Thereafter, the two went away from the spot. He did not gave any complaint to the police in this regard.

On 07.06.2021 at about 10.00 a.m., his son-Amit went to the factories in search of work and he (the complainant) also went towards Nahara for getting rice. On his way back from Nahara, near the hotel of one Kukku, he saw that his son Amit was running on the road and Arjit son of Rakesh and Sonu son of Ajit were chasing him on their motorcycle. His son-Amit ran in the fields of Kaptan, then the Arjit and Sonu stopped their motorcycle and chased Amit in the fields. Sonu threw Amit on the ground and Arjit shot at the him (Amit) with the pistol. Thereafter, two ran away from the spot. Amit died at the spot.

3. The learned counsel for the petitioner contends that three accused persons, namely, Ravi alias Dost (the present petitioner), Arjit and Sonu were challaned post investigation. So far as the petitioner is concerned, he was not named in the FIR. He has been named on the basis of the disclosure statement of Archit alias Arjit. The allegations against the petitioner are that he has provided weapons to the main accused. The petitioner had been arrested in FIR No.478 of 2021 under Section 25 of the Arms Act at Police Station Kharkhoda, Sonipat on 24.06.2021 and was brought on production warrants in the present case. He is in custody since 02.07.2021 and since Jagbir Singh-complainant (father of the deceased-

Amit) had turned hostile during trial, the further incarceration of the petitioner is not required.

4. The learned counsel for the State, on the other hand, submits that the petitioner is a supplier of the weapons to the main accused. However, he does not deny the fact that the complainant-Jagbir Singh, whose statement was recorded as PW-3 (Annexure P-2) has turned hostile and Archit alias Arjit son of Rakesh (minor and main accused) has been granted the concession of bail vide order dated 07.05.2022 passed by the Court of Additional Sessions Judge, Sonipat.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner is in custody since 02.07.2021. Only 07 out of 31 prosecution witness have been examined. The complainant-Jagbir Singh (father of the deceased-Amit) has turned hostile. Archit alias Arjit (minor son of Rakesh) has been granted the concession of bail by the Court Additional Sessions Judge on 07.05.2022. Therefore, the further incarceration of the petitioner is not required.

7. In view of the above, but without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Ravi alias Dost is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

August 29, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No