

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-34221 of 2022
Date of Decision:09.08.2022

Ram Niwas alias Bholu

---Petitioner

versus

State of Haryana

---Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Dhramveer Sharma, Advocate
for the petitioner

Mr. Kanwar Sanjiv Kumar, AAG, Haryana

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "CrPC") by the petitioner for seeking concession of regular bail in case bearing FIR No. 261 dated 07.08.2012 under Sections 120-B, 302 and 34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') and Section 25 of the Arms Act registered at Police Station Sadar Sohna, Gurugram.

The FIR in the instant case was registered on the Statement of Jai Singh, which reads thus:-

“That on 07.08.2012, at about 8.05 P.M., when he (complainant) alongwith his cousin namely Ravinder while travelling in a car make Maruti bearing registration No. HR-26BT-5314 reached at the shop of his younger brother namely Maha Singh, who at that time was closing the shutter of his shop and when the said Maha Singh after closing the shutter turned towards him (complainant), then two of the accused

persons while riding on a motorcycle make Pulsar bearing registration No. UP-16K-6043 reached there and the pillion rider of the motorcycle then fired a gun shot in the chest of said Maha Singh, who was then taken to Government Hospital, Sohna for treatment where the doctor declared him dead.”

Learned counsel for the petitioner contends that name of the petitioner has been nominated on the basis of disclosure statement made by co-accused person after nearly eight years of the incident in question. He further contends that the allegation against the petitioner is that he had supplied the vehicle i.e. motorcycle which was eventually used to eliminate the victim. Learned counsel further contends that similar allegation had also been levelled by the prosecution against co-accused person namely Raju, who has been granted the concession of regular bail by this Court vide order dated 27.05.2020 passed in CRM-M- 50620 of 2019. He further contends that the petitioner is in judicial custody since 07.07.2020 and has already undergone actual custody of 02 years, 01 month and 01 day. Learned counsel further contends that all other co-accused persons in the present case have been released on bail and that no recovery has been effected from the petitioner.

Learned State counsel, however, contends that the petitioner has criminal antecedents and that he had actively participated in facilitating the commission of the offence. He, however, does not dispute the fact that the similarly placed co-accused person namely Raju has already been allowed the concession of regular bail vide order dated 27.05.2020 passed in CRM-M- 50620 of 2019.

I have heard learned counsel appearing on behalf of the

respective parties and have gone through the record with their assistance.

Taking into consideration the circumstances noticed above, the role attributed against the petitioner, the period of custody and also the fact that the other similarly placed co-accused have already been allowed the concession of regular bail by this Court, the instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

09.08.2022

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No