

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

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**CRM-M-42406-2022
Decided on : 20.09.2022**

Satbir

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Satbir, who has been booked for having committed the offences punishable under Section 302 of IPC and Section 25 of the Arms Act, 1959 (Section 201, 120-B of IPC and Section 29 of the Arms Act, 1959, added later on), in FIR No. 176, dated 22.07.2021, registered at Police Station Pillu Khera, District Jind, during the pendency of trial.

Learned counsel for the petitioner submits that as per allegations levelled in the FIR, petitioner and his three sons were on the spot and while he was sitting in the car, all his three sons, who were armed with pistols fired at Satya Parkash, who is deceased in the present case. He further argues that during the course of investigation, two sons of the petitioner namely Jagphul and Ravinder were found innocent. He further argues that in other words out of grudge of the civil litigation between the parties, complainant had named all the male members of the petitioner's family in order to teach lesson. Therefore, involvement of two of the sons of the petitioner can be very safely said to be

false in the present case, even as per the investigation of the police.

Learned counsel for the petitioner further argues that except of sitting inside the car, no role has been attributed to the petitioner, even of provocation such as 'lalkara' etc. Learned counsel for the petitioner relies upon the order dated **19.09.2022**, passed in **CRM-M-42055-2022 (Rinku @ Bunty Vs. State of Haryana)**, vide which concession of regular bail has been extended to the co-accused Rinku @ Bunty, whose name was subsequently, involved on the basis of disclosure statement of the arrested accused Rahul.

Learned counsel for the petitioner further submits that though petitioner is not seeking parity with the said accused Rinku @ Bunty, but want to extend his arguments by saying that implicating every one in the matter, even by way of improvising the version, itself shows that complainant wants to teach lesson to each and everyone, who is related to the present petitioner. He further submits that there are fairly arguable points during the course of the trial showing the innocence of the petitioner, therefore, further incarceration of the petitioner is not worth in this case.

Learned counsel for the petitioner also submits that petitioner and his family had already lost in the civil litigation up to High Court, therefore, there is every possibility of falsely involving all the family members of the petitioner in the present case to take revenge.

Per contra, learned State counsel while strongly opposing the arguments raised by learned counsel for the petitioner, on instructions from ASI Narender, submits that petitioner is involved in hatching a conspiracy to murder Satya Parkash, and therefore, all of them assembled and came at one place to take revenge.

On asking of the Court, learned State counsel submits that after completion of investigation, challan has been submitted, and charges are yet to be framed on 30.09.2022. Learned State counsel also submits that as per list of

witnesses, prosecution has to examine total 22 witnesses.

I have heard learned counsel for the parties and perused the relevant material available on record.

Thereupon, I am satisfied that for more than one reason, present petitioner should be extended the concession of bail. As per version of the FIR, no specific role has been attributed to the petitioner, except of him sitting in the car. No allegation of provocation or lalkara is mentioned in the FIR. Two of the named accused are already found innocent by the police itself giving impression that the complainant is not totally truthful. Besides this, petitioner, who is aged about 65 years, is inside jail since 24.07.2021 i.e. for the last about 01 year, 07 months and 02 days and is not involved in any other case. Further, trial is yet to start, therefore, it would take considerably long time to conclude.

Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

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 here-in-above 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 evidence available on record.

(SANJAY VASHISTH)
JUDGE

September 20, 2022

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No