

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

**CRM-M-49405-2021
Date of decision: 28.04.2022**

Ashish @ Aashish @ Raman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amarjit Singh Virk, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 76 dated 03.02.2021, under Sections 302, 120-B, 473, 34 of the IPC, registered at Police Station Dhariwal, District Gurdaspur.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Sahil Sharma, it is stated that he is having a brother namely Ravi, who is aged about 28 years and is unmarried. About 02 years ago, his brother had a dispute in the village and he was sent to jail and remained confined in jail for about 02 years and was released on bail on 12.01.2021. On 03.02.2021, he along with one Tanu Saini was going to Kurkshetra in a Mahindra Bolero vehicle bearing registration number HR-99-YR(P)-1735 and 04/05 boys fired shots on Ravi. Ravi was later on taken to hospital for treatment, where the complainant, on receiving the information, also reached and found that many people including said Tanu Saini were present there. He inquired and

came to know that 04/05 young boys, who came in a white color Ritz car bearing registration number HR-02X-7715, fired shots at Ravi, due to which he fell down and on seeing the crowd, the accused persons fled away from the spot. In the FIR, the complainant suspected that either Bhupi Rana, who is lodged in jail, or Harry Saini of Sector 5 or Rahul Jogi or Saurabh, with whom they had dispute, has committed the murder of Ravi due to enmity.

Learned counsel further submits that the petitioner was not named in the FIR and as the complainant has raised suspicion on a number of persons, with whom Ravi was having enmity, the petitioner has falsely been implicated in this case only on the basis of the disclosure of co-accused Rahul.

Learned counsel further submits that co-accused Rahul, at the first instance, made a disclosure on 05.01.2021 stating that the petitioner has given the location of the deceased on the mobile phone of Rahul i.e. 72062-69211, however, this mobile was never recovered by the police and again another mobile phone was given, which was also not recovered, rather co-accused Rahul got recovered another mobile i.e. 88140-00932, which was in fact in his name only.

Learned counsel further submits that the petitioner was arrested on the disclosure of aforesaid Rahul that the petitioner has done recce and given information of the movement of the deceased.

Learned counsel further submits that it will be a matter of evidence, to be recorded during trial, whether the mobile phones, which are disclosed by co-accused Rahul were in fact recovered and the mobile phone from which the information was allegedly given by the petitioner to co-accused Rahul belongs to the petitioner or not.

It is further submitted that the petitioner is the first offender; he is not involved in any other case and as on today, he is in judicial custody for the last 01 year, 02 months and 22 days and conclusion of trial is likely to take some time as out of 31 prosecution witnesses, only 02 witnesses have been examined so far.

Reply, by way of the affidavit of the DSP, Hq., Kurukshetra has been filed in Court today. In reply, after verifying the contents of the FIR and investigation conducted by the police, it is stated that as per call details record, there were multiple calls between the petitioner and co-accused Rahul from his mobile number 74978-88611, which was used by him in the incident, however, in the reply, the mobile which was used by the petitioner is not mentioned.

Learned state counsel further submits that the allegations against the petitioner are that he has done recce of the movements of Ravi and has shared it with co-accused Rahul.

After hearing learned counsel for the parties and going through the reply, without making any comment on the merits of the case, considering the aforesaid facts as well as submissions made by learned counsel for the parties, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

28.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*