

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(Sr. No.215)

CRM-M No. 14117 of 2023 (O&M)

Date of decision : 10.05.2023

Rohit @ Don

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

(1) The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.556 dated 31.10.2019 registered under Section 302 IPC and Section 25 of the Arms Act (Section 201 IPC added later on) (charges framed under Sections 120-B, 302 IPC and Section 25 of the Arms Act) at Police Station Pataudi, District Gurugram.

(2) The petitioner and his co-accused are being prosecuted for the murder of Kaptan son of Krishan Kumar.

(3) Learned Senior counsel appearing for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner has no other criminal antecedents; he is in custody since 03.11.2019; all the material witnesses of the prosecution in the petitioner's

trial stand examined; there is no forensic evidence with the State to connect the petitioner with the crime he is accused of; as per the forensic evidence the bullet allegedly recovered from the spot, where Kaptan was allegedly murdered, matches with the pistol allegedly recovered from co-accused Sanjay and that since 11 prosecution witnesses still remain to be examined in the petitioner's trial, the same will take a long time to conclude.

(4) Learned State counsel opposes the petitioner's plea by submitting that the petitioner along with co-accused murdered Kaptan only because he was having an affair with the petitioner's aunt.

(5) Learned counsel for the parties have been heard and with their able assistance the records of the case have also been perused.

(6) After considering the afore rival submissions and in particular because the petitioner is in custody since 03.11.2019; he has no other criminal antecedents; all the material prosecution witnesses in the petitioner's trial stand examined and that since 11 witnesses of the prosecution still remain to be examined, the petitioner's trial is likely to take a long time to conclude, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Gurugram the petitioner is directed to be released on bail.

(7) It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(8) It is further directed that while on bail the petitioner shall own and possess a smart mobile phone which shall be kept on at all times; the phone shall always be with the petitioner; he shall share the number of the phone as also his location with the SHO of the area where the petitioner normally resides; he shall mark his attendance on 1st of each month in the police station and that he shall also not leave the jurisdiction of the concerned police station without the prior permission of the SHO of such police station.

10.05.2023*sunil yadav***(DEEPAK SIBAL)
JUDGE**

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