IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr.No.206 (3 cases)

Case No. : CRM-M-9598-2023

Date of Decision : July 26, 2023

Sahil .... Petitioner

vs.

State of Haryana .... Respondent

Case No. : CRM-M-19608-2023

Date of Decision : July 26, 2023

Manipal Meena .... Petitioner

vs.

State of Haryana .... Respondent

Case No. : CRM-M-27544-2023

Date of Decision : July 26, 2023

Sonu Sharma .... Petitioner

vs.

State of Haryana .... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Shobit Phutela, Advocate
and Mr. Hunarveer Sharma, Advocate
for the petitioner in CRM-M-9598-2023.

Mr. Vikram Singh, Advocate
and Mr. Ishnoor Singh, Advocate
for the petitioner in CRM-M-19608-2023.

Mr. Ashish Sindher, Advocate
for the petitioner in CRM-M-27544-2023.

Ms. Nidhi Gupta, AAG, Haryana.

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GURBIR SINGH, J. :

1. Vide this common order, three petitions i.e. **CRM-M-9598-2023, CRM-M-19608-2023** and **CRM-M-27544-2023** filed by different

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accused persons, shall be disposed of as the FIR involved in all the petitions is the same, arising out of the same occurrence.

2. All the afore-mentioned petitions have been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No.615 dated 08.07.2022, under Sections 34, 307 IPC (Sections 120-B, 180, 201, 202, 384 IPC added later on), registered at Police Station Assandh, District Karnal.

3. The case in question was registered on the complaint of Dr. Sandeep Jaglan. As per allegations, he and Dr. Meenakshi were busy in checking their patients at the hospital by the name of Meenakshi Hospital. Suddenly, three unknown persons came on white colour Bullet motorcycle without number plate. They stopped at the main gate of the hospital and one person started firing gun shots outside the hospital and another came inside and started firing. He went running and came inside the OPD and saved his life. The youths kept on firing at the OPD gate, on his window and also on window of Dr. Meenakshi. They hid themselves in the corner. The assailants continuously fired 10-12 rounds.

4. Learned counsel for the petitioners have argued that challan has been presented in this case against 14 persons. Petitioners are not named in the FIR. It is a case of no injury. The petitioners were not involved in any other case.

5. Learned counsel for the petitioner Sahil states that the petitioner is arrayed as accused only on the basis of disclosure statement of the co-accused. Sahil was arrested on 27.07.2022 and is in custody since then.

6. Learned counsel appearing for petitioner Mahipal Meena has

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submitted that the petitioner did not participate in the crime in question. The allegations against him are that he had uploaded the post sent to him by one Daler Kotia on the facebook ID which he had created in the name of Daler Kotia and made it public in order to spread the terror in the area. Further allegations against him are that he had thrown away the mobile phone on which the incriminating post was sent to him in order to destroy the evidence.

7. Learned counsel appearing on behalf of petitioner Sonu Sharma has submitted that the petitioner was arrested on 14.07.2022. As per allegations, he brought two sharp shooters namely Mohit and Sobhit on the motorcycle from Gohana to Assandh at the instance of Daler Kotia. He has been implicated only on the basis of disclosure statement of co-accused. Even there is no allegation that the petitioner was having any knowledge of crime in question. Therefore, the petitioner deserves the concession of bail.

8. Status Reports in all the three cases have been filed separately by learned State counsel.

9. Learned State counsel has opposed the petitions by submitting that the master-mind behind the occurrence is Daler Kotia, who is presently residing in United States of America. The motive behind the occurrence was to spread terror in the area and to murder the complainant and others. Petitioner Sonu Sharma was earlier known to Daler Kotia and prior to the alleged incident, Daler Kotia contacted the petitioner on 06.07.2022 on WhatsApp and co-accused supplied a sum of Rs.5,000/- to the petitioner Sonu Sharma at the instance of Daler Kotia. On the next day i.e. 07.07.2022, he again contacted Sonu Sharma on WhatsApp informing him

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of the criminal conspiracy and specific role was ascribed to him. Thereafter, Sonu Sharma brought to sharp shooters from Gohana to Assandh on his motorcycle knowing fully well that the said sharp shooters were going to carry out firing incident. One mobile phone and one motorcycle was recovered from the possession of Sonu Sharma. As per allegations against the petitioner Mahipal Meena, he uploaded the terror post sent to him by Daler Kotia on the facebook ID which was created in the name of Daler Kotia and made it public in order to spread the terror in the area. He was also previously known to Daler Kotia and they had been talking to each other frequently on WhatsApp. A WhatsApp was also sent to him by Daler Kotia immediately after the occurrence. The allegations against him are grave. Accused Sahil was also known to above-said Daler Kotia. As per allegations, petitioner Sahil brought two sharp shooters from Bus Stand Kharkhoda to his house, arranged their meeting with co-accused for supply of weapons in furtherance of the criminal conspiracy. On a day prior to the occurrence, he led the two sharp shooters from his house to Anaj Mandi, Gohana. After the incident took place, he brought them back from Anaj Mandi to his house then took them to Bus Stand, Palwal for helping them to escape. Therefore, all the petitioners have actively participated in the crime in question and do not deserve concession of bail.

10. Heard.

11. The petitioners are not named in the FIR. They have been arrayed as accused on the basis of disclosure statement made by co-accused. Petitioners are not involved in any other case. They were not present at the time of occurrence. It is a case of no injury. Challan has already been

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presented. All the petitioners are in custody for the last one year. The culpability of the petitioners would be decided during trial of the case. From the evidence on the file, it is debatable whether the petitioners were aware about the occurrence before hand.

12. Without discussing the merits of case and keeping in view the peculiar facts and circumstances of the case, I am of the view that no useful purpose would be served with further detention of the petitioners.

13. Accordingly, all the three petitions i.e. **CRM-M-9598-2023, CRM-M-19608-2023** and **CRM-M-27544-2023** are allowed and the petitioners are directed to be released in this case on regular bail, on their furnishing personal bonds in the sum of Rs.1,00,000/- each, with one local surety in the like amount, to the satisfaction of learned Trial Court/Duty Magistrate concerned. The petitioners shall also abide by the following conditions :-

1. *The petitioners shall surrender their passports and shall not leave the country without the prior permission of the Trial Court.*

2. *The petitioners shall give their mobile numbers to the Trial Court and get the same registered, on which SMS shall be received from the CIS and shall not change their mobile numbers during pendency of the case.*

3. *The petitioners shall not change their residences without prior intimation to the concerned Police Station and the Trial Court.*

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4. *The petitioners shall appear before the Trial Court on each and every date of hearing.*

14. The Trial Court is at liberty to impose any other condition that it may deem appropriate. It is further clarified that in case of default of any of the conditions, the concerned Court is competent to cancel the bail granted to the petitioners.

15. However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

16. A photocopy of this order be placed on the file of the other connected matter.

17. Pending applications, if any, shall stand disposed of along with this judgment.

July 26, 2023 **(GURBIR SINGH)**
monika **JUDGE**

Whether speaking/reasoned ?	*Yes.*
Whether reportable ?	*Yes/No.*

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