

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on: 04.10.2023
Pronounced on:07.10.2023

1. CRM-M-35276 of 2023

Akash Rajput		...Petitioner
	Versus	
State of Haryana		...Respondent

2. CRM-M-39029 of 2023 (O&M)

Bhagat Singh alias Bhagtu		...Petitioner
	Versus	
State of Haryana		...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. M.S. Dhaliwal, Advocate for the petitioner
in CRM-M-35276 of 2023.

Mr. Ashish Sindher, Advocate for the petitioner
in CRM-M-39029 of 2023 (O&M)

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.

In both the petitions titled above, filed under Section 439 Cr.P.C, the petitioners have prayed for grant of regular bail in case FIR No.615 dated 08.07.2022 registered under Sections 307, 202, 201, 120-B, 34 IPC and Sections 25 (Act N: 54) of Arms Act, 1959 at Police Station Assand, District Karnal.

2. As per allegations, on 08.07.2022, Dr. Sandeep Jaglan along with Dr. Meenakshi were busy in treating patients in their hospital by the name of Meenakshi Hospital, Assandh, when all of a sudden, three unknown persons came on a motor-cycle make Bullet, without any registration number. All of them were with muffled faces. After stopping at the main

gate of the hospital, one of them started firing gun shots from outside the

hospital, whereas other came inside the hospital and started firing. Dr. Sandeep and Dr. Meenakshi managed to save themselves. After continuously firing 10-12 rounds, the assailants went away. On the complaint of Dr. Sandeep, FIR was registered.

3. During investigation, FSL team was called at the spot, which collected samples of the earth, the piece of bullets and 14 empty cartridges from the spot. Pen Drive containing CCTV footage of the hospital was taken into possession. Accused **Baljinder Singh, Harman Singh, Dalvinder Singh @ Neeta** and **Ombir Singh** were arrested on 12.07.2022, who suffered disclosure statements admitting their involvement in the crime. Motor-cycle of bullet make without registration number besides another motor-cycle and mobile phone used in the occurrence were recovered at the instance of Baljinder Singh. Another mobile phone was recovered from Ombir. Later on, **Mahipal Meena** and **Sonu Sharma** were joined in the investigation on 14.07.2022, who admitted their involvement in the crime. It was disclosed by Mahipal Meena that master mind of the entire occurrence was one **Daler Kotia** residing in USA, who had made a whatsapp call to him informing that he had given effect to a firing incident in the private hospital at Assandh resulting in spreading of his terror in the area. Said Daler Kotia sent a photograph and message to him, asking him to upload the same on his face book ID. In order to spread terror of Daler Kotia in the area, Mahipal Meena had uploaded the post on his Face Book ID, so as to create terror in the public. He had later on thrown away that mobile to destroy the evidence.

4. **Bhagat Singh alias Bhagtu** (petitioner in CRM-M-39029 of 2023) was joined in the investigation on 18.07.2022, who disclosed the names of **Mohit** and **Sobhit**, who were given shelter by him on the night of

17.07.2022. Said Bhagat Singh alias Bhagtu further disclosed that Sonu resident of Bidhana, Mohit and Sobhit had come at the instance of Daler Kotia and that he (Bhagat Singh alias Bhagtu) had provided shelter to them. Mohit and Sobhit who were already in custody in some other were joined in the investigation in this case and arrested on 26.07.2022. They admitted their involvement in the crime. Later on, **Sahil Dahiya, Sandeep @ Timepass** and **Kaushal Chaudhary** were arrested from time to time. On 24.08.2022, **Akash Rajput** (petitioner in CRM-M-35276 of 2023) was arrested in the case, who got recovered an illegal pistol and two live cartridges from Gohana and also demarcated the place of incident.

5. It came to light during investigation that main accused Daler Kotia, who had already been declared proclaimed offender in another case, had fled to America through illegal way, from where he demanded ransom of ₹20 lakhs from Dr. Sandeep, proprietor of Meenakshi Hospital, regarding which FIR No.407 dated 26.06.2021 was registered at Police Station Assandh and as the ransom was not paid, he had managed to cause the incident of 08.07.2022. On completion of investigation, challan has already been filed. Case is now fixed for consideration of charge on 18.10.2023. 55 witnesses have been cited by the prosecution.

6. It is submitted on behalf of petitioner Akash Rajput (petitioner in CRM-M-35276 of 2023) that he has been falsely implicated and that he is not named in the FIR, nor his specific role is pointed out. It is further contended that petitioner is not involved in any other case nor has been declared proclaimed offender and so, he be allowed bail, as trial of the case will take time to conclude. Attention is also drawn towards the fact that co-accused Sahil Dahiya, Mahipal Meena and Sonu Sharma have already been allowed bail by a co-ordinate Bench of this Court vide order dated

26.07.2023 (Annexure P.3).

7. On behalf of petitioner- Bhagat Singh alias Bhagtu (petitioner in CRM-M-39029 of 2023), it is contended that the only role attributed to him is to have provided shelter to the co-accused Mohit and Sobhit and that except for the motor-cycle and two mobiles, nothing has been recovered from him. Prayer is made for grant of bail.

8. Opposing the bail petitions, learned State Counsel contends that both the petitioners are members of gang of notorious criminal Daler Kotia and that incident was caused in order to spread terror because Dr. Sandeep had refused to succumb to the illegal demand of ransom. Learned State Counsel further submits that petitioner Akash Rajput is also involved in two more cases of the same nature, both registered in Rajasthan, as per details given in para-No.11 of the status report. Learned State Counsel further submits that petitioner Bhagat Singh alias Bhagtu is active member of the gang, who provided the shelters to the co-accused. However, it is stated that he is not found to be involved in any other case.

Prayer is made for rejecting the bail petitions.

9. I have considered submissions of both the sides and have perused the record carefully.

10. It is not disputed by the prosecution that none of the petitioners had gone to the spot so as to fire shots on the date of incident. The only role attributed to petitioner Bhagat Singh alias Bhagtu is to have provided shelter to the two co-accused; whereas petitioner Akash Rajput is attributed to have hired the sharp shooters but that role is attributed on the basis of disclosure statement of co-accused, the admissibility of which will be a matter of trial.

11. As per the status report, even the charges have not been framed so far. There are 55 witnesses and thus, trial is likely to take long time to

conclude. Three of the co-accused, namely, Sahil, Mahipal Meena and Sonu Sharma have already been allowed bail by a co-ordinate Bench of this Court vide order dated 26.07.2023 passed in CRM-M-9598 of 2023; CRM-M-19608 of 2023 and CRM-M-27544 of 2023. The role attributed to Sonu Sharma was also to have brought two sharp shooters, namely, Mohit and Sobhit on motor-cycle from Gohana at the instance of Daler Kotia. The role attributed to Mahipal Meena was found to have uploaded the post on Face Book ID, as sent to him by Daler Kotia.

12. Thus, case of Akash Rajput (petitioner in CRM-M-35276 of 2023) is almost on parity with that of Sonu Sharma.

13. Having regard to all the aforesaid facts & circumstances, but without commenting anything on the merits of the case, petitions are allowed. Petitioners are admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

October 07, 2023
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(DEEPAK GUPTA)
JUDGE

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