

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-42358-2022 (O&M)
Date of Decision:-22.2.2023

Rahul @ Mini Petrol

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.K.S. Phoolka, Advocate and
Mr. Naveen Kumar Kuhad, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.0252, dated 21.7.2020 at Police Station Dabwali Sadar, District Sirsa, under Sections 302, 216, 34, 120-B of Indian Penal Code and Section 25 of Arms Act.
2. The FIR was lodged at the instance of Vijay Kumar wherein it is stated that he is into agriculture and that his uncle's son Mukesh Kumar alongwith Param, in partnership with Satish Kumar and company had been allotted a licence for selling liquor in Chautala circle for the year 2020-21. Previously, i.e. for the year 2019-20, the licence for the said area had been issued in favour of Dinesh Kumar. Ved Parkash @ RDX and Sunny, however, used to

sell liquor without permission in an illegal manner. Since in the year 2020-21, the licence had been issued in favour of Satish and company, Mukesh, Jai Parkash and Param, therefore, Dinesh Kumar, Ved Parkash @ RDX and Sunny held some kind of enmity against them. They created several obstacles when Mukesh Kumar and others were trying to take some shop on rent. It is alleged that on 20.7.2020 when the complainant, Param, Jai Parkash, Mukesh Kumar and Pawan Kumar son of Rajender Kumar were sitting at the liquor shop then Jai Parkash told them that Ved Parkash @ RDX and Sunny had threatened him that they would not let Jai Parkash and others carry on liquor business and will be taught a lesson. It is alleged that on 20.7.2020, at about 8-8:30 p.m. when he, Pawan Kumar and his companions came to their office in their vehicles near their liquor vend, three young men were having beer in the park in front of the hotel adjacent to their liquor vend. It was found they had been sitting there since 5-6 p.m. and were having beer. Shortly thereafter, Mukesh Kumar, Jai Parkash and Param also came in their vehicle. In the meantime, a young boy who was carrying a bag sat with the three boys who were having beer. At about 10:15 p.m. when Mukesh Kumar, Jai Parkash and Param started walking towards their vehicle, the four young boys who had been sitting and had been having beer started firing at Mukesh Kumar and Jai Parkash with pistols. The complainant and others saved themselves by hiding behind a wall. The assailants, after firing, fled away from the spot on their motorcycles. Mukesh Kumar and Jai Parkash who were injured were taken to hospital where they were declared dead. The complainant's suspected that it was due to enmity on account of liquor vends that Dinesh Kumar, Ved Parkash @ RDX and Sunny had got Jai Parkash and Mukesh Kumar murdered through professional killers.

3. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and came to be nominated subsequently on the basis of disclosure statement of co-accused Ankit Kumar @ Bhanu, which would hardly carry any evidentiary value. It has further been submitted that even as per the case of prosecution, the petitioner had not participated actively in the alleged murder and that the only role attributed to him is that he had conducted 'recce' of the area, where the occurrence had taken place and is also alleged to have provided shelter to the co-accused.
4. On the other hand, learned State counsel has submitted that the petitioner is part of a 'gang' headed by dreaded gangster Lawrence Bishnoi and that the petitioner had played a pivotal role in conducting 'recce' of the area and had provided vital information to the persons, who had fired at the deceased. Learned State counsel has further submitted that since recovery of 223 live cartridges and 1 mobile phone had been effected from the petitioner, his complicity is clearly evident. It has also been informed that the petitioner happens to be involved in 3 other cases including a case under Section 302 of Indian Penal Code. It has been informed that only 1 PW out of the cited 52 PWs has been examined till date and that the delay is occurring on account of the fact that there are large number of accused, who are lodged in different jails.
5. This Court has considered the rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was not amongst the assailants, who had fired at the deceased and is not even named in the FIR. The petitioner came to be nominated as an accused on the basis of a disclosure statement made by co-accused Ankit Kumar @ Bhanu. Upon arrest of the petitioner, he

disclosed that he is nephew of co-accused Ankit @ Bhanu, who is member of a *gang* headed by Lawrence Bishnoi and that Lawrence Bishnoi had contacted him telephonically. The petitioner disclosed that his uncle Ankit @ Bhanu informed him that Lawrence Bishnoi had sent Rs.2 lacs to be given to shooters which was accordingly passed on and that Ankit @ Bhanu also provided rooms to the shooters in District Sangria. The petitioner stated that he alongwith his uncle Ankit had done *recce* of the area and had informed the shooters about the location of the deceased on the day of occurrence. The name of the petitioner also figures in the disclosure statement made by Ankit @ Bhanu. Conclusion of trial is apparently going to consume time inasmuch as only 1 PW out of the cited 52 PWs has been examined so far.

7. Having regard to the facts and circumstances of the case particularly the fact that the petitioner has been behind bars for a substantial period of more than 2 years and 6 months and that the only role attributed to him is of having conducted '*recce*', the petition merits acceptance and is hereby accepted. The petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. It is, however, clarified that in case the petitioner is found to be intimidating any witness or tampering with any evidence, it shall be open to the prosecution to move for cancellation of bail.

22.2.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No