

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

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**CRM M-42269 of 2023  
Date of Decision: 04.09.2023**

Sanjay

...Petitioner

Vs.

State of Haryana

...Respondent

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**

Present : Mr. Akashdeep Singh, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

**N.S.SHEKHAWAT, J. (Oral)**

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.204 dated 04.06.2020 registered under Sections 302, 34 of IPC and Section 25 of Arms Act (Challan under Sections 120-B, 302, 34 of IPC and Sections 25, 54, 59 of Arms Act), at Police Station Arya Nagar Rohtak, District Rohtak.

2. The FIR in the present case was registered on the basis of the statement made by Amit, complainant. As per him, his elder brother Joginder @ Juggi was convicted in a murder case and was undergoing the imprisonment. He was ordered to be released on parole in the said case. On 04.06.2020, Joginder had gone out in his car for some work and returned at about 3.30 pm. The complainant heard the noise of some gun shots being fired in the street and he rushed outside. The complainant saw that Sonu son of Rajender Kapoor @ Tittu, Raman son of Rajender and 3/4 assailants were

firing shots on his brother Joginder. After getting down from the car, his brother Joginder rushed towards Ramleela ground and the assailants chased him. Joginder fell down after suffering the gun shots and the complainant raised cries to save him. As per the complainant, the assailants fled the spot on the Aactiva and motorcycle and they shifted his brother Joginder to PGIMS, Rohtak for treatment, where he was declared dead. Due to old enmity, his brother has been murdered by the above named accused and certain unknown persons.

3. Learned counsel for the petitioner contends that the petitioner was not named in the present FIR and was named by co-accused Sonu @ Anil in his disclosure statement. Even during the course of investigation, one country made pistol was shown to be have been recovered from the present petitioner, however, as per the FSL report, no fired bullet recovered from the dead body or any fired cartridge recovered from the spot matched with the weapon recovered from the petitioner. Learned counsel further contends that the co-accused Raman, who was specifically named in the FIR, has been granted the concession of bail by this Court in CRM M-3024 of 2021 on 14.09.2022. Learned counsel further contends that Santosh, co accused, who was implicated with the aid of Section 120-B IPC has also been granted the concession of bail by the trial Court. Learned counsel further contends that the similarly placed co-accused Arun @ Chhavani has already been granted the concession of regular bail by this Court on 20.07.2023 in CRM M-52865 of 2022. He

further contends that the petitioner was arrested in the present case on 14.06.2020 and is in custody for the last more than three years and two months.

4.            Learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that two more cases have also been registered against the present petitioner. However, she admitted that one case against the petitioner is under Sections 323, 148, and 149 IPC and Section 42 of the Prisoner Act whereas, the second case has been registered against him under Excise Act and he is on bail in both the cases.

5.            I have heard learned counsel for the parties and perused the record.

6.            In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

**04.09.2023**

amit rana

**( N.S.SHEKHAWAT)**

**JUDGE**

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