



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217

CRM-M-27005-2024

Date of decision: 30.05.2024

Lokesh alias Gogi alias Shubham

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Ankit Chahal, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.201 dated 22.04.2022 registered for the offences punishable under Section 302 of the Indian Penal Code, 1860 (for short, 'the IPC') and Sections 25 (1-B) (a) of the Arms Act, 1959 (Section 120-B IPC added later on), at Police Station Bilaspur, District Gurgaon.

2. As per the FIR, it has been alleged as under:-

“To The SHO Sahab, Police Station Bilaspur, District Gurugram, It is requested that I am Sandeep son of Shri Randhir Singh, resident of village Bilaspur Khurd Police Station Bilaspur District Gurugram and I work as a farmer. I have constructed rooms for rent in Bilaspur Khurd in my field. My cousin Deepak son of Shri Baljit Singh, resident of Bilaspur Khurd Police Station Bilaspur, District Gurugram, has also constructed rooms for rent in the fields near me. On 21.04.2022, I and my cousin Deepak were talking near our rented room, when Deepak reached near his car to talk, at around 7:15 PM, a boy came riding on a motorcycle and took out a weapon and fired directly upon Deepak. Deepak was shot with several bullets and I saw and recognized the boy who shot him was Kailash son of Sanjay, who lived in a rented room with Deepak for some time, was a



resident of Samar gopalpur Police Station Lakhan Majra District Rohtak, to whom I was already knew as living on rent. After shooting, Kailash fled away alongwith the motorcycle. When I started taking care of my cousin brother Deepak, Deepak became unconscious and after hearing the noise, my brothers Mukesh son of Randhir and Rakesh son of Baljeet came from the nearby shop and my brother Rakesh and Mukesh also saw Kailash while running and recognized him, then Mukesh and Rakesh rode on their motorcycle and chased the boy who shot Kailash, after which I took my cousin Deepak along with my family members. He was taken to the Government Hospital in Gurugram where the doctor declared Deepak dead. Kailash son of Sanjay, resident of Samar gopalpur Police Station Lakhan Majra District, Rohtak, due to some rivalry, shot and killed my brother Deepak. Now I have given you my complaint at Government Hospital SEC-10 Gurugram. Action may be taken.

3. Custody certificate has been filed. The same is taken on record.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he has been nominated as an accused on the basis of disclosure statement made by co-accused Kailash. Apart from that, there is no other incriminating material against the petitioner and even if the allegations levelled in the FIR are taken on their face value, it is not disputed that the petitioner was not present on the spot. He further submits that the petitioner is behind the bars for more than 01 year, 02 months and 15 days.

5. As per the case of the prosecution, the role of the petitioner is of having facilitated the crime by providing weapons as well as motor-cycle to the main accused Kailash.

6. Learned State counsel does not dispute the aforesaid facts, however, he prays for dismissal of the petition on the ground that the petitioner is facing multiple criminal prosecution and is a hard core criminal and thus, does not deserve the concession of regular bail.



7.

I have heard learned counsel for the parties and have gone through the records of the case.
8.

Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
9.

Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

30.05.2024
D.Bansal

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No