



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

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CRM-M-37869-2024 (O&M)

Date of decision: 12.08.2024

WAJIB @ VAJIB

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Khalid Tauru, Advocate, for the petitioner.

Mr.Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.314 dated 08.11.2023 under Sections 302, 201, 120-B, 419, 420, 411 of the IPC and Sections 25 (1B) (a) of Arms Act, 1959 registered at Police Station Rampura, District Rewari.
2. Learned counsel for the petitioner submits that the instant case rests on circumstantial evidence; the petitioner, even as the case of the prosecution, was not involved in any manner in the murder of deceased-Mohan Lal nor is it the case of the prosecution that the petitioner had any motive to carry out the crime in question. It has been further argued that it is not even the case of the prosecution that the dead body of the deceased had been disposed of by the petitioner in connivance with the co-accused-Deepak, who had been hired by the son-in-law of the deceased, to carry out the crime in question. Learned counsel submits that it is a matter of record that the petitioner has clean antecedents and has never been involved in any



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other criminal case. It has been further submitted that in the worst case scenario also, the only role attributed to the petitioner is of having provided a stolen motorcycle to co-accused-Deepak, which he had then used for travelling to the scene of crime. Learned counsel submits that in the aforementioned facts and circumstances, once investigation is complete qua the petitioner and challan also stands presented, his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the factual aspect of the role attributed to the petitioner. Learned State counsel, on instructions, has conceded that the only role attributed to the petitioner was of having provided a stolen motorcycle to co-accused-Deepak (alleged hired assassin), and thereafter disposed of the said motorcycle. Learned State counsel on further instructions has not disputed that the petitioner has clean antecedents. It has still further been submitted that as many as 35 witnesses have been cited by the prosecution.

4. I have heard learned counsel for the parties and perused the relevant material placed on record.

5. It would be relevant to reproduce the FIR wherein the following allegations were leveled by the complainant:-

“On dated 07.11.23, my father Mohanlal son of Shri Hazari Lal village Dhani Sundroj Hall Yadav Nagar street no. 09. Left the house behind the crematorium at around 05.45 and went to village Kaluwas At about 06.30 PM, I was informed friend that your father is lying in a blood soaked condition under the



Kaluwas flyover on Mohanlal Bypass Rewari Road. After getting the information. I along with some people of the village reached under the Kaluwas flyover where my father was lying soaked in blood. Before my arrival someone had informed the police and at the same time the police reached there, so we called an ambulance there and Brought my father to the government hospital in Rewari by ambulance. Here in the hospital, Dr. Saheb declared my father dead. My father's phone no. 7076546920/9050609723 On the call of Anil Kaluwas, Kaluwas had come with a camera to take photographs. My father was shot dead by some unknown person under the Kaluwas flyover. We are also having a tussle with our brother-in-law Ramjas son of Banwari Lal village Isrodha district Alwar. We suspect that the phone no. The owner of 9166058616 or 7076546920 and Anil Kaluwas and my brother-in-law Ramjas son Mr. Banwari Lal have together, murdered my father or have got it done. You are requested to interrogate the mobile 70765469290 and Anil Kaludas and Ramjas son Mr. Banwari Lal and trace the accused and take legal action. Action should be taken. Thank you. SD/- Applicant Umashankar (Umashankar) 9518038136 Applicant Ravinder kumar 8708639749 Date 08.11.23 Action Police - On date 07.11.23 at around 6 pm, information was received from Control Room Rewari that a person was found dead with blood under the Kaluwas flyover on Rewari Bypass Road. The mind is soaked in information. May HC Sachin No. 346/ Rewari, constable Paramjeet no. 1191/Rewari, SPO Deepak No. 311 Baswari train government no. HR-36GV-6665 Driver SI Yogendra No. 160 The incident site of Rewari reached under Kaluwas flyover where a person was lying soaked in blood. SEEN OF CRIME TEAM was called on the spot. The identity of the blood soaked person was Mohanlal son of Hazarilal village Dhani Sundroj police station Rampura district Rewari hall street no. 09 Yadav Nagar, Rewari: On inspection of blood soaked person Mohanlal, it seems that someone has shot him dead. After arranging for an ambulance, blood soaked person Mohanlal was sent to Government Hospital Rewari by ambulance. On the spot,



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HC Sachin no. 346/ Rewari was left for safety, Man SI along with fellow employees Baswari vehicle reached the government hospital in Rewari where Dr. Saheb declared Mohanlal above dead. XXXX”

In the facts and circumstances as enumerated hereinabove, coupled with the challan also having been presented, his further incarceration would serve no useful purpose as the trial would take considerable time to conclude.

6. Accordingly, the instant petition is allowed and the petitioner is extended the concession of bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

August 12, 2024
poonam

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