

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-49541-2023
Date of decision : 24.01.2024

Jitender @ Dhilla Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ravi Kumar Girdhwal, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.398 dated 11.12.2022, registered for the offences punishable under Sections 302, 307, 34, 120-B, 216, 379 & 411 of IPC and Sections 25/27 of Amrs Act, at Police Station Badli, District Jhajjar.
2. As per FIR registered on the information received from Sunderpal, it has been alleged as under:-

“To SHO P.S. Badli, Jhajjar. It is requested that I, Sunderpal s/o late Sh. Sardar Singh is resident of village Badli. I have retired from Delhi police. My age is about 61 years. My son Mohanvir alias Monu who is 32 years old. Today dated 10.12.2022 at about 3.30 pm, gone on receiving call by Chetan of our village from Passor Company. Chetan told on phone that at Passor Company Deepak Kheri Jat and Ravi Ladpur are quarrelling for unloading of vehicle, and on asking by Chetan my son went to Passor company. After that Mohanvir alias Monu alighted at about 5.15 pm at

2024:PHHC:009383

Ladpur turn, where are our shops. At that time I was present there. From there I went towards my house and my son remained in the shop. After some time I received information that some unknown persons have shot my son. I reached on the spot, my son was taken to SGT Hospital Gurgaon for treatment. On the spot it is found that tenant of our shop Ombir s/o Laxman Lakhan Pana Badli have also received was also shots. The persons who shots came on two motorcycle and one car, who after shot my son ran towards Ladpur. When I reached to SGT Hospital, Gurgaon for looking my son, the doctors declared dead to my son Mohanvir alias Monu.”

3. Counsel for the petitioner submits that the petitioner is behind bars for more than 01 year and 06 days. On the day of occurrence, the petitioner was already behind bars and thus no role can be attributed to the petitioner. Further reliance is being placed upon order dated 18.01.2024 passed in CRM-M-44647-2023, whereby co-accused Ravi stands admitted to bail, observing as under:-

“XX XX XX

4 It is being claimed by the prosecution that on 12.12.2022, the complainant made a supplementary statement claiming that his son has been murdered by Rambir, Virender @ Kuku, Ravi Kumar, Deepak and Jasbir @ Jassa along with others. The petitioner is stated to have suffered a confessional statement while in police custody which reads as under :-

**REVISED DISCLOSURE STATEMENT OF
ACCUSED RAVI.**

*In the presence of following witnesses,
accused Ravi son of Raj Kumar resident of village
Ladpur, district Jhajjar at present in police custody
without any fear and pressure himself told today I
am is doing the work of loading and unloading of*

2024:PHHC:009383

vehicles with Passor Company. I am working as supervisor. Deepak do supervision work with me. Ramvir is doing the work of loading and unloading of vehicles at Dok No. 16, 17, 18 of Pohsar company. Mohanvir alias Monu son of Sunderpal r/o village Badli was also doing working of loading and unloading on these doks. Mohanvir alias Monu was unloading vehicle by his labourers having huge articles and our vehicles removed from the dok and put his labourers. Due to which on many times there was confrontation with Mohanvir alias Monu son of Sunderpal. On 10.12.2022 Mohanvir alias Monu son of Sunderpal the vehicle parked by me on the dok was removed, and by putting his labour, got the vehicle unloaded. At that time I and Deepak was present there, Monu abused us. We told to Ramvir that today again Mohanvir alias Monu son of Sunderpal abused us and got the vehicle removed by putting his labourers and then Ramvir said that he will be finish today. he has troubled us a lot. After that Jasbir alias Jassa aunt's son of Ramvir came to the company with Rambir's car along with Birender alias Kuku and on two motorcycles Sagar alias Yamraj, son of Satish Kumar, resident of village Sudana, Rahul alias Huli son of Kuldeep resident of village Beri and Aman came to the company with weapons and told me about the plan to kill Mohanvir. Then Jasbir alias Jassa went back with the car. We send Deepak to do raqi of Mohanvir. Mohanvir had left the company with his friends in the car. After some time, Deepak called on whatsapp and told that Mohanvir alias Monu is sitting near wine shop at Ladpur Badli turn, come quickly and finish his work. Then I, Sagar alias Yamraj, Aman, Rahul, and Birender alias Kuku sit in my car went to kill Monu, car was being driven by me. When we reached near Ladpur Badli turn, there was lot of crowd. At that time I did not think appropriate to attack and turned my car just before Ladpur turn and went back to Passor company. Then I went to Ramvir in village Ladpur in my car and after pick

2024:PHHC:009383

Ramvir, went to bridge of Sura Gurugram Road Drain no. 8 where Jasbir alias Jassa was already standing with vehicle, at that time Sagar alias Yamraj son of Satish Kumar r/o village Sudana, Rahul alias Huli son of Kuldeep r/o village Beri and Birender alias Kuku r/o village Ladpur and Aman came there as per plan after killing Mohanvir alias Monu and all fled away with Rambir in his car. I have parked vehicle no. HR-14L-4473 Swift Dsire in my house in village Ladpur which was used in the crime and it be recovered after going there. The confession of the accused has been written, on which accused and witnesses have signed.”

5 Learned counsel for the petitioner submits that though the aforesaid confessional statement, while in police custody, made by the petitioner would not be admissible in evidence yet even if the same is taken on its face value, the same does not disclose that the petitioner is in any manner connected to the occurrence.

6 Learned State counsel on instructions from Investigating Officer submits that the allegation against the petitioner is of having conducted reiki and apart from that Swift Car stands recovered.

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

8 Keeping in view the aforesaid fact that even as per the prosecution the petitioner is being accused only of having conducted reiki and is behind bars for more than 1 year & 1 month, 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.”

2024:PHHC:009383

4. Bail plea is being opposed by State counsel submitting that the petitioner was one of the main conspirators and is a hardcore criminal who already stands convicted for life and is facing around 04 more cases involving heinous crime. However, the fact with respect to the petitioner being in custody on the day of occurrence is not disputed by him.
5. After hearing counsel for the rival parties, keeping in view the nature of allegations levelled against the petitioner i.e. of being the conspirator only and the nature of allegation, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

24.01.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No