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

CRM-M-47448-2024

Date of Decision: 21.11.2024

Rohit @ Kalia

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ashwani Bhardwaj, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.137 dated 07.05.2023, under Sections 302/34, 120-B IPC and Sections 25/54/59 of the Arms Act, 1959 registered at Police Station Siwani, District Bhiwani.

2. As per facts of the case, Ghasiram son of Rulichand lodged a complaint with the Police, wherein, it was alleged that his brother Naresh had a fight with Ashwani of village Biran on 30.11.2022 and case was registered against him, but he was absconding. The complainant came to know that his brother was living with Azad Singh in village Naloi and due to living of his brother with Azad Singh, Vikram @ Mukesh @ Ganni, Manoj @ Goliya and Satbir were nurturing grudge against him. On 06.05.2023, when the complainant was at home at about 7:30 p.m., he got the information that his brother Naresh was shot several times near Gurera Mod, Siwani and he was asked to reach there quickly. He reached the place of occurrence and found his brother Naresh shot dead by bullet injuries. He came to know that Naresh was in his car with Surendra @ Motiya and Bachchi @ Mama when Vikram @ Mukesh @ Ganni, Manoj @ Goliya and



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Satbir, all three came on motorcycle and shot his brother in the head and chest. Request was made to take legal action against the culprits. On the basis of the complaint, the FIR was registered and the investigation commenced. During the investigation, the Investigating Agency arrested Vikram @ Mukesh @ Ganni on 16.05.2023. He made disclosure statement about the involvement of the petitioner and thus, the petitioner was also arrayed as an accused and was arrested on 30.06.2023. The petitioner approached the Court of learned Sessions Judge, Bhiwani praying for grant of regular bail, however, on hearing both the sides, learned Court declined the same vide order dated 09.09.2024. Hence, the petitioner is before this Court by way of filing the present petition praying for grant of regular bail.

3. It has been vehemently contended by counsel for the petitioner that neither the petitioner was named in the FIR nor any role has been attributed to him. He submits that the occurrence in the present case has taken place on 06.05.2023, whereas, the petitioner was arrayed as an accused on the basis of the disclosure statement made by co-accused Vikram @ Mukesh @ Ganni. He submits that the allegations made against the petitioner is to the effect that he conducted *recce* prior to the occurrence and thus, he was part of the conspiracy hatched in eliminating the deceased. He submits that the deceased himself had a criminal background and thus, the allegations against the petitioner, are nothing but a cock and bull story. It is submitted that even the eye witness has not named the petitioner and it is by due deliberation, the petitioner was implicated in the present case on the basis of the disclosure made by the co-accused. He submits that the petitioner is a young boy and has no criminal antecedent. He further submits



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that the material witnesses already stands examined and thus, in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner has played a specific role in the commission of the offence. He submits that it is the petitioner who carried out *recce* first and provided information to his accomplices to execute the conspiracy hatched. He has placed on record the custody certificate of the petitioner and has submitted that the petitioner is not involved in any other case. On instructions from ASI Sandeep, he submits that out of total 46 prosecution witnesses, 12 witnesses already stands examined.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is apparent that the occurrence in the present case has taken place on 06.05.2023, but the petitioner was named in the FIR on the basis of the disclosure statement of the co-accused, namely, Vikram @ Mukesh @ Ganni and thus, he was arrested on 30.06.2023. The allegations against the petitioner are regarding conducting *recce* of the deceased and thus, he has been alleged to be a conspirator in the commission of the offence. As per custody certificate produced, the petitioner is not involved in any other case except the present case. Material witnesses have already been examined.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will



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take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

21.11.2024
sharmila

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No