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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-48625-2024 in/and
CRM-M-58622-2024
DECIDED ON: 10.12.2024

ASHWANI ALIAS BHOLU ALIAS MARUTI
.....PETITIONER

VERSUS

STATE OF HARYANA
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Neeru Bansal, Advocate
for the petitioner.

Mr. Vipul Sherwal, AAG Haryana.

SANDEEP MOUDGIL, J (ORAL)

CRM-48625-2024

This is an application under Section 482 Cr.P.C., seeking
permission to place on record Annexures P-3 & P-4.

Application is allowed, as prayed for.

Annexures P-3 & P-4 are placed on record with just exceptions.

CRM-M-59344-2024

1. Relief sought

The jurisdiction of this Court has been invoked under Section
439 Cr.P.C., seeking regular bail to the petitioner in case FIR No.284 dated
05.08.2021, under Sections 148, 149, 302, 120-B, 420, 411, 201 of IPC,
1860 and Section 25 of Arms Act, 1959 registered at Police Station Sadar
Gohana, District Sonipat.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To, SHO, Police Station Sadar Gohana, Sir, I Sombir S/o Hariram, r/o Village Dodva. I am an agriculturist. We are 6 brothers and 3 sisters. My mother and father are living at Jind. My brother namely Rajender, aged about 28 years which was un-married and working as agriculturist. Manpreet alias Golu Sutter S/o Ran Singh, caste Mulla Jaat, village Dodeva, which is related with the gangwar. Manpreet has the tiff with the Rajender on small issues. Manpreet nurturing grudge has fired upon my brother Rajender on 27.02.2021 with intention to kill him but the shot hit at the arm of my brother. Regarding this case is already registered at police station Gohana and Manpreet is absconding. Today, at about 12:00 O clock my brother Rajender has come in the fields which are situated on the road that goes to village Jauli for working in the fields, after finishing the work my brother going on Motor-Cycle bearing no HR-10AK-7496 and I was going on foot. I was a Killa far away from my brother Rajender then Manpreet and his companion has come and started fringing at Rajender indiscriminately. My brother tried to save himself by running towards village side but fell in the fields after covering a short distance. Manpreet and his companions also fired shots at there which resulted into causing death of Rajender at the spot, that postmortem be conducted. Legal action be taken against the accused persons.”

3. **Contention**

On behalf of the petitioner

The learned counsel for the petitioner argues that the petitioner has been falsely implicated in the present case on the basis of disclosure statement suffered by co-accused and no role has been attributed to him. It is further submitted on behalf of the petitioner that the weapon and car used in

the commission of the offence have already been recovered from the co-accused, Manpreet @ Golu, and the motorbike (No. HR-06K-8160), which was also used in the crime, has been recovered from another co-accused, Parveen @ Vijay @ KD. The counsel asserts that nothing has been recovered from the petitioner's possession, who has been in custody since 17.08.2021.

On behalf of the State

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He strongly opposes the prayer made in the present petition, asserting that the allegations against the petitioner are serious of in nature. He submits that the petitioner is a habitual offender, as he is involved in other case, therefore, does not deserve the concession of regular bail at this stage.

4. Analysis & Conclusion

The case involves the death of Rajender, who was shot by Manpreet and his associates. The petitioner has been connected to this case on the basis of disclosure statement suffered by co-accused. Subsequently, the petitioner also made a disclosure statement and led to the recovery of Motor-Cycle No. HR-06K-8160, which was alleged to have been used in the incident. Additionally, he helped recover a phone through which a post about the murder of Rajender was uploaded on Facebook. These facts suggest direct involvement of the petitioner in the present case. Hence, Section 302 of IPC, 1860 is made out against the petitioner. Keeping in view of the role and attribution to the present petitioner, he does not deserve the concession of regular bail at this stage.

No doubt the petitioner is in custody since 17.08.2021, but there is no delay in the investigation or trial. This Court is sanguine of the fact that if the petitioner is enlarged on bail, there is every chance that he may hamper the trial and create a fear psychosis in the mind of other prosecution witnesses, who are yet to be examined and may give an impression in the masses that criminals may carry out such a heinous crime with impunity.

The Court while considering the bail petitions is conscious that personal liberty has to be weighed and balanced with societal/public interest at large, and ensure that the course of justice is not thwarted by the powerful and influential accused persons.

In view of the discussions made hereinabove, this Court does not deem it a fit case to enlarge the petitioner on regular bail at this stage. Hence, the present petition stands dismissed.

10.12.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No