
(2014) 07 P&H CK 0161

In the Punjab And Haryana At Chandigarh

Case No : CRM No. M-18206 of 2014 (O&M)

Sadhu Ram

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 21-07-2014

Acts Referred:

Arms Act, 1959 — Section 25
Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 120B, 148, 149, 302

Citation : (2014) 07 P&H CK 0161

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : Anshumaan Dalal, Advocate for the Appellant; Vikas Malik, A.A.G, Advocate for the Respondent

Final Decision : Allowed

Judgement

Tejinder Singh Dhindsa, J.—This order shall dispose of CRM No. M-18206 of 2014 titled as Sadhu Ram Vs. State of Haryana and CRM No. M-18215 of 2014 titled as Om Parkash @ Dholu Vs. State of Haryana as both these petitions have been filed u/s 439 Cr.P.C. praying for the grant of regular bail to the petitioners pending trial in case F.I.R. No. 75 dated 13.2.2013 under sections 148, 149, 302, 120B I.P.C. and Section 25 of Arms Act, registered at Police Station, Jhajjar, District Jhajjar.

2. Learned counsel for the parties have been heard.

3. The deceased in the present case is Vijay. F.I.R. was registered on the statement of Satyavir. As per prosecution version, complainant Satyavir was proceeding along with Vijay (deceased) on a motorcycle on 13.2.2013. It is alleged that at about 10 A.M. when the motorcycle being driven by Vijay (deceased) reached at village Mehrana on Bahadurgarh Road, a car came from behind and struck the motorcycle. Resultantly, complainant as also Vijay deceased fell down on the road and two boys got down from the car and started

firing shots at Vijay. As per complainant one of the boys, who had got down from the car was recognized as Karambir @ Katti son of Chhotu. Vijay is stated to have died having succumbed to such fire arm injuries.

4. It has gone uncontroverted that the present petitioners were not even named in the F.I.R. They are sought to be implicated in the present case on the disclosure statement of co-accused Rajpal i.e. brother of main accused Karambir @ Katti.

5. Learned State counsel, who is being assisted by S.I. Vivek has read out in Court the disclosure statement of Rajpal, co-accused and as per which both the present petitioners have been assigned a role of having hatched a conspiracy in the murder of deceased Vijay. It would be apposite to notice that as per disclosure statement, it was co-accused Rajpal, who had given a telephone call to main accused Karambir @ Katti as regards the movements of deceased Vijay. Even as per such disclosure statement no overt act has been attributed to the present petitioners apart from they being present along with Rajpal at the time of having made a call to main accused Karambir @ Katti.

6. The petitioners have been nominated in the present case with the aid of Section 120B I.P.C. Om Parkash i.e. petitioner in CRM No. M-18215 of 2014 has been in custody since 17.5.2013 and Sadhu Ram i.e. petitioner in CRM No. M-18206 of 2014 has been in custody since 9.3.2013. Investigation in the case having been completed the challan was presented on 24.5.2013. State counsel further apprises the Court that out of 41 prosecution witnesses 28 have been examined till date. Trial as such, shall take time to conclude.

7. Without making any observations on the merits of the case and keeping in view the totality of circumstances noticed herein above as also the length of incarceration already suffered by the petitioners in these two connected petitions, this Court is of the considered view that a case for regular bail has been made out.

8. Accordingly, both the petitions are allowed. Petitioners be enlarged on bail subject to satisfaction of the Trial Court.

9. Petitions disposed of.