

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

CRL. MISC. No.M-17018 OF 2015 (O&M)  
DATE OF DECISION : 27<sup>th</sup> MAY, 2015

**Rati Khan**

**.... Petitioner**

**Versus**

**State of Haryana**

**.... Respondent**

**CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA**

\* \* \* \*

Present :     Mr. Sanjeev Kumar Panwar, Advocate for the petitioner.  
                  Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana.

\* \* \* \*

**SURINDER GUPTA, J. (ORAL)**

This petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.437 dated 29.10.2014 registered for offence punishable under Sections 302, 307, 120-B IPC and Section 25 of the Arms Act at Police Station Tauru, District Mewat.

Heard.

Notice of motion.

On the asking of the Court, Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana, who is present in court, accepts notice and submits that intimation by Registry informing of fixation of the application has already been received and record of the case is available with him.

The FIR in this case has been registered on the statement of Mubeen-brother of deceased-Hafij. As per the allegations Rukmuddin, Mukesh, Aadil, Kamil, Raheel, Sahid, Nisar and Sahun came to the place of occurrence on 29.10.2014 at about 9/10 am and Rukmuddin fired shot which hit complainant and his brother, who died at the spot. The motive,

attributed for the occurrence, is that the complainant party had litigation with the accused and some other persons including the petitioner and this occurrence had taken place in criminal conspiracy between the other named accused and the petitioner.

Learned State counsel submits that police has recorded disclosure statement of the petitioner that he was party to the conspiracy fetched with the other accused to kill Hafij. It is admitted that the petitioner was confined in jail from 22.10.2014 when his judicial remand was given by ACJM, Mewat till 05.11.2014. As per the complainant the petitioner was neither at the spot nor in the village at the time of occurrence.

Keeping in view the facts discussed above, but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Rati Khan is ordered to be released on regular bail on his furnishing bail bond and surety bond to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Mewat, subject to following terms:

- (i) The accused shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.
- (iii) He shall not leave the country without the previous permission of the Court.

27<sup>th</sup> May, 2015  
'raj'

**(SURINDER GUPTA)**  
**JUDGE**