

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

CRM-M No.2888 of 2015 (O&M)

Date of Decision: 24.09.2015

Bhimsain

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Veneet Sharma, Advocate for the petitioner.

Mr. Rajiv Doon, Assistant Advocate General, Haryana
for the respondent.

Mr. Balkar Singh, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

The prayer on behalf of the petitioner/accused is for grant of anticipatory bail to join the trial in case FIR No.240 dated 08.07.2013, under Sections 365, 364, 302, 201, 212, 120-B and 34 of IPC, registered with Police Station Mahesh Nagar, District Ambala.

As per the allegations in FIR, the deceased-Gurpal Singh was kidnapped and his body was chopped into pieces and thrown in a Canal, the petitioner-Bhimsain @ Kaka was nominated as an accused for the reason that his shop measuring 46 square yards was the place where Gurpal Singh was murdered and his body chopped out. There were total 12 accused persons and on investigation, challan was filed against 11 accused, whereas the petitioner-Bhimsain was put in Column No. 2, since it was found that the shop in question was in the possession of one Chaman Lal.

Ten accused are stated to be still in custody and the eleventh main accused- Navjot @ Naini is stated to be a proclaimed offender.

During the trial, on the application under Section 319 Cr.P.C. of the prosecution, the petitioner has been summoned as an additional accused to face trial.

Learned Counsel for the parties have been heard.

This Court, vide order dated 30.01.2015, had permitted the petitioner to surrender and seek interim bail. The petitioner is stated to have surrendered on 13.02.2015 and was granted interim bail by the learned trial Court.

It is apparent that during investigation, the petitioner was found innocent and as such, his custody is not required for any investigation. As regards the trial, he has already surrendered and is willing to face trial.

It is further not in dispute that the conclusion of the trial would take some long time.

In view of the above, interim order dated 30.01.2015, passed by this Court, is made absolute.

Disposed of.

September 24, 2015

Gagan

(JASWANT SINGH)
JUDGE