

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-8465 of 2015 (O&M)
Date of Decision: 29.4.2015

Ketan Yadav

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.K. Yadav, Advocate for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the instant petition filed under Section 439 Cr.P.C praying for grant of regular bail to the petitioner in case F.I.R. No.21 dated 11.1.2014 under Sections 302, 34 I.P.C and sections 25, 54, 59 of Arms Act but charges have been framed under section 302 read with section 34, 120-B, 25, 54, 59 of Arms Act, registered at Police Station, Sadar Bhiwani, District Bhiwani.

Learned counsel for the parties have been heard.

The deceased in the present case is Rajesh son of Ajit Singh. F.I.R was registered on the statement of Sunil i.e. brother of deceased. Occurrence is stated to be of 11.1.2014 and as per complainant the deceased, who was running a shop of construction material had closed his shop and had returned home when he received a call on his mobile with regard to certain customers having reached the shop and accordingly, he returned back to his shop to deliver some cement bags. Yogesh @ Neetu is stated to have accompanied the deceased at the time of his going back to the shop. Complainant has further alleged that he received information that his brother had been shot in front of his shop and upon reaching at the spot he

found his brother in an injured condition and even Yogesh @ Neetu along with certain other persons was present. At that stage, Yogesh @ Neetu informed the complainant that two boys had fired shots at Rajesh and had then sped away towards Dadri on a motorcycle. In a nutshell, the F.I.R was registered against unknown persons.

It has gone uncontroverted that during the course of investigation, one Manjit, co-accused was arrested on 12.2.2014 and who suffered his first disclosure statement before the investigating agency on 12.2.2014 itself in which he had stated that he along with another co-accused namely Amit @ Ganeshi had hatched a conspiracy to kill Rajesh. Co-accused Manjit is then stated to have suffered a second disclosure statement on 14.2.2014 in which also the present petitioner was not named.

Ketan Yadav i.e. the present petitioner has been implicated in the present case on the basis of a third disclosure statement dated 15.2.2014 suffered by Manjit in which he stated that Ketan was maintaining illicit relations with Poonam wife of Jaivir. He further stated that deceased Rajesh was also inclined to have relations with Poonam and such fact had been disclosed by Poonam to Ketan. In the disclosure statement Manjit further stated that deceased Rajesh had abetted Jaivir i.e. husband of Poonam and upon which she was killed by her own husband. Motive has been attributed that on account of such circumstances, it is Ketan, who has killed Rajesh to avenge the killing of Poonam.

Based upon the third disclosure statement dated 15.2.2014 the petitioner was arrested on 18.4.2014.

Learned State counsel upon instructions from ASI Krishan Pal would apprise the Court that investigation having been completed, charges

having been framed and trial has proceeded to the extent of examination of 14 prosecution witnesses out of 36 having been cited in all. Even the eye witness to the alleged occurrence i.e. Yogesh @ Neetu has already been examined. Trial, as such, would take some time to conclude.

It is not the case made out on behalf of the State that in case the petitioner is granted the benefit of bail, then, he would be in a position to hamper the course of trial.

In view of the circumstances leading to the arrest of the present petitioner, false implication cannot be ruled out.

In the totality of circumstances and keeping in view the length of custody period that the petitioner has already suffered, the petitioner is held entitled to the concession of bail. Petition, accordingly, is allowed.

Petitioner be enlarged on bail subject to satisfaction of Trial Court.

It is, however, clarified that the observations contained in the present order are confined only with regard to examining the prayer made by the petitioner for grant of bail and would have no bearing on the merits of the case.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

April 29, 2015
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