

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

**CRM-M No.12472 of 2016 (O&M)
Date of Decision: 21.04.2016**

Ravinder

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Kartar Singh Malik-I, Advocate for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State assisted by ASI Pankaj Singh.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Ravinder in case FIR No.448 dated 19.08.2015, under Sections 302, 120-B of the Indian Penal Code and Sections 25/54/59 & 30 of the Arms Act, registered with Police Station Civil Lines, Rohtak (**Annexure P-1**).

The main co-accused Bhumit, petitioner/accused-Ravinder and the deceased-Sunil are stated to be good friends. Sunil (since deceased) was involved in the business of finance and had asked co-accused Bhumit to invest Rs.1 lac on interest in his venture, which on refusal, the aforesaid Sunil is alleged to have threatened to kill Bhumit.

As per the eye-witness account of the complainant-Suman (mother of the deceased-Sunil), her son was shot at by Bhumit from the licensed pistol of his father, who is stated to be Army man, while the role attributed to the present petitioner is of a conspirator, who was present with Sunil at the time of the occurrence and had also helped the complainant in removing Sunil to the hospital.

Learned Counsel for the petitioner contends that except the disclosure statement of co-accused Bhumit involving the petitioner/accused in the alleged conspiracy to murder Sunil, there is no material showing the complicity of the petitioner. Even the recovery of the weapon of offence from the house of the present petitioner is at the instance of Bhumit. He further contends that the motive to murder is available only with the co-accused, who has fired and killed Sunil.

The petitioner is stated to be in custody since 23.08.2015, who is a young person, and not involved in any other criminal activity.

Learned State Counsel, assisted by ASI Pankaj Singh, is unable to refute the aforesaid factual situation and further submits that out of 26 PWs, 13 PWs including material witnesses have since been examined.

Without commenting on the merits of the case, keeping in view the custody period and the fact that trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

April 21, 2016

Gagan

(JASWANT SINGH)
JUDGE