

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

(217)

CRM-M-33814-2016

Date of Decision:-18.10.2016

Arun

...Petitioner

V/S

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. R.S Rai, Sr. Advocate with
Mr. Anurag Arora, Advocate,
for the petitioner.

Mr. Chetan Sharma, Assistant A.G. Haryana.

Mr. J.S. Ghumman, Advocate,
for the complainant.

A.B. Chaudhari, J. (Oral)

Heard learned counsel for the rival parties.

Learned counsel for the petitioner submits that the petitioner was arrested on 08.05.2015 and is in jail since then in case FIR No.176 dated 29.04.2015 registered under Sections 302, 201, 120-B of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 at Police Station Pataudi, District Gurgaon. He submits that the only evidence produced by the prosecution against him is the disclosure statement of the co-accused and, therefore, the petitioner would be entitled to grant of bail in the absence of a prima facie case against him at this stage.

Per contra, learned counsel for the State and the counsel for the complainant vehemently opposed the application of bail on the ground that the petitioner had extra marital affair with the wife of the deceased and in order to eliminate him the petitioner has conspired with other accused persons and then eliminated the deceased's wife. He submits that there is calls record and the vehicle used in the offence.

Learned counsel for the parties heard for sometimes.

Learned counsel for the complainant i.e. father of the deceased submits that he has been threatened by one of the accused who is released on bail and, therefore, care should be taken to protect his interest in the event of grant of bail to the petitioner.

I think, the evidence produced before me in the present case against the petitioner, prima facie the evidence in the form of calls record does not show any such conspiracy or overt act on the part of the petitioner.

In that view of the matter, the petitioner is entitled to grant of bail. Eventually, the learned counsel for the state submits that the out of total 23 witnesses, 3 have been examined and remaining would be examined hereinafter. Be that as it may, the petitioner would be entitled to grant of bail for the above reasons. At the same time, interest of the complainant will have to be protected.

In that view of the matter, I make the following order:-

ORDER

1. Application for bail of the petitioner is allowed.
2. Petitioner be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned on such terms and conditions as would be deemed fit and proper to the Chief Judicial Magistrate/Duty Magistrate.
3. Petitioner would not enter in District Gurgaon (Haryana) till the trial is completed, except and save on the date of appearance before the trial Court.

October 18, 2016

pankaj

(A.B. CHAUDHARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No