

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

CRM-M-36124-2016 (O&M)

Date of Decision : 16.11.2016

Aditya @ Abhishek

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Arvind Singh, Advocate,
for the petitioner.

Mr. G.S. Salwara, DAG, Haryana.

M.M.S. BEDI, JUDGE (ORAL)

The petitioner has been in custody w.e.f. 03.10.2015, in a case of murder of Harbir, registered at the instance of the complainant, namely Rohit, brother of the deceased, to the effect that on 28.09.2015, when the complainant was present at his shop, whereas Brijesh and brother of the complainant were standing on road, when two accused persons, wearing black clothes, came there and fired at Harbir. On account of receipt of gun shot injuries on chest and arm, Harbir died. The motive attributed in the present case is that brother of the complainant had a dispute with Ajay, regarding payment of money and his brother was murdered therefore by Ajay, Pankaj, Bablu and one Chopra.

The petitioner is not named in the FIR, even as a suspect. He

was involved in the case on the basis of a disclosure statement made by his co-accused, Gopal, in custody, to the effect that the petitioner was also one of the accused persons, who fired. Recovery of any weapon has not been effected from the petitioner. A motorcycle belonging to father of the petitioner was allegedly recovered from him.

Taking into consideration the fact that Rohit, real brother of the deceased, and Brijesh, both alleged eye-witnesses, having not supported the case of prosecution and PW-7, namely Udayveer, father of the deceased, also having not supported the case of prosecution, the petitioner at this stage, can be granted the concession of bail as likelihood of tampering with the remaining evidence is remote.

The petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the condition that the petitioner will not make any attempt to tamper with the evidence or hamper the trial in any manner.

(M.M.S. BEDI)
JUDGE

November 16, 2016
apurva

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No