

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

CRM-M No.39995 of 2015

Decided on: 08.01.2016

LAKSHIT KALRA . . . Petitioner

Versus

STATE OF HARYANA . . . Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of present petition filed under Section 439 Cr.P.C seeking benefit of regular bail to the petitioner pending trial in case FIR No.450 dated 25.08.2015, under Sections 302, 120-B, 201, 212 IPC, registered at Police Station Palam Vihar, Gurgaon, District Gurgaon.

Counsel for the parties have been heard.

The occurrence is stated to have taken place on 24.08.2015 in which firing took place in a Café called Old Box Café, Sector 23, Gurgaon. Mohit i.e. nephew of the complainant died of pistol shot injuries. As per version of the complainant, Abhishek @ Neetu, Bobby Dahiya, Munna, Deepankar, Nitesh had

suddenly appeared in the Café on 24.08.2015 and started attacking Mohit (deceased). Neetu @ Abhishek is stated to have fired at Mohit.

The present petitioner is owner of the Café.

Counsel appearing for the petitioner has referred to the final report submitted under Section 173 Cr.P.C after completion of investigation and wherefrom it is clear that the investigating agency had collected the evidence including CCTV footage of the occurrence on the date in question and even a pen drive was prepared.

In so far as the present petitioner is concerned, he was arrested on 12.09.2015 on the charge of destroying evidence and as such, offence under Section 201 IPC was cited.

On the last date of hearing i.e. on 03.12.2015, learned State counsel had submitted that the petitioner was very much a part of the conspiracy to eliminate Mohit and there was constant telephonic conversation between the accused Bobby Dahiya and the present petitioner. Accordingly, the matter was adjourned to today to enable the State counsel to produce the relevant call details.

During the course of hearing today, learned State counsel upon instructions from ASI Sukhjit Singh has apprised the Court that on the crucial date i.e. on 24.08.2015, there was only one call exchanged between the present petitioner and co-accused Bobby Dahiya. That apart, State Counsel has vehemently opposed

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the present bail application by submitting that the petitioner had removed the CCTV camera from the premises. Even such submission would stand diluted in view of the challan/final report wherein it has been stated that CCTV footage had already been recovered from the premises/Café with regard to the date of occurrence in question i.e. on 24.08.2015.

Petitioner has been in custody since 12.09.2015 and the challan was presented on 05.11.2015.

Learned State counsel further states that the matter is still fixed for framing of charges.

The trial, as such, would take time to conclude.

In the totality of circumstances and keeping in view the position as regards trial being still at the very initial stage, petitioner is held entitled to the concession of bail.

Petition accordingly, is allowed.

Petitioner be enlarged on bail subject to satisfaction of CJM/Duty Magistrate, Gurgaon.

It is clarified that the above observations are confined only as regards consideration of prayer for grant of bail and would have no bearing on the merits of the case.

[TEJINDER SINGH DHINDSA]
JUDGE

08.01.2016
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