

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-42956 of 2015 (O&M)
Date of Decision: 19.01.2016

Arun @ Baniya

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. N.K. Jaglan, Advocate for the petitioner.

Mr. Deepak K. Grewal, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.176 dated 29.4.2015 under sections 302, 201, 120-B I.P.C and section 25 of Arms Act, registered at Police Station, Pataudi, District Gurgaon.

Learned counsel for the parties have been heard.

Process of law was set in motion on the statement of Balraj. Name of the deceased is Gonu Yadav i.e. son of complainant Balraj.

Perusal of the F.I.R would reveal that on 29.4.2014 Gonu Yadav was proceeding to his maternal uncle's house in a Maruti Swift car to bring his mother. It is alleged that on the way certain unknown persons may have stopped the car of Gonu Yadav and upon which Gonu Yadav to save his life had tried to run having alighted from the car and unnamed assailants had fired upon him and thereby killing him.

It is a case of blind murder.

It so transpires that during the course of investigation one Lalit @ Kale was picked up.

The present petitioner is sought to be implicated on the basis of a disclosure statement of Lalit. Even such disclosure statement has been read out in Court today and in which the present petitioner is not specifically mentioned. As per Lalit one of his friends namely Arun son of Jaswant was in a relationship with wife of the deceased and with a motive to eliminate Gonu Yadav the entire conspiracy was hatched.

Perusal of the order dated 14.10.2015 passed by the learned Additional Sessions Judge, Gurgaon rejecting application for regular bail of the petitioner would reveal that the role assigned to the present petitioner by the prosecution is that he had used a mobile set of his cousin Yogesh so as to keep the co-accused informed as regards whereabouts of the deceased.

The petitioner has been in custody since 7.5.2015. It is not even the case of the prosecution that the petitioner had used any weapon or had fired at the deceased. There is no recovery of any fire arm from him.

Under such circumstances, the question as to whether an offence under section 302 I.P.C read with section 120-B I.P.C would be made out against the present petitioner, would be a moot question.

Without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Gurgaon.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

19.01.2016
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