

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-9326 of 2016 (O&M)

Date of Decision: 01.04.2016

Surender @ Kalu

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Karan Pathak, Advocate for the petitioner.

Mr.. Anmol Malik, A.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.182 dated 15.5.2015 under sections 302, 34, 120-B I.P.C and section 25 of Arms Act, registered at Police Station, Sohna, District Gurgaon.

Learned counsel for the parties have been heard.

Deceased in the present case is Pawan Kumar. Date of occurrence is stated to be 15.5.2015. As per prosecution version 4/5 young boys had arrived in a white colour Alto car bearing Delhi registration no.6938. These four young boys are stated to have alighted from the car and had entered the shop and upon ascertaining the name of the deceased as Pawan Kumar, he was shot at. Pawan Kumar was immediately removed to Vedanta Hospital, Gurgaon, whereupon he succumbed to his injuries. Name of the present petitioner has figured in the statement of Virender i.e. brother of the deceased as also Vishal i.e. son of the deceased along with other co-accused.

It has gone uncontroverted that both brother and son of the deceased namely Virender and Vishal have not supported prosecution version upon having been examined during the course of trial.

It is a case of circumstantial evidence.

As per prosecution, killing was executed at the hands of Surender @ Sunda. Case built up is that the afore-noticed contractual killer was engaged by the present petitioner and the motive attributed is a land dispute between Ram Mehar i.e. elder brother of Rohtash co-accused and deceased Pawan Kumar.

Co-accused Rohtash has been granted benefit of bail by this Court in the light of order dated 12.1.2016 passed in CRM No. M-34273 of 2015.

The issue as to whether offence under Section 302 I.P.C is made out against the present petitioner would be a moot question.

Petitioner has been in custody since 1.6.2015. The trial would take time to conclude as out of 25 prosecution witnesses cited only 5 have been examined till date.

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

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

01.04.2016
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