

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-15297 of 2017 (O&M)

Date of Decision: 11.07.2017

Harkesh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.S. Mehndiratta, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 1044 dated 20.11.2016 registered for offences punishable under Sections 302, 148, 149 and 120-B of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Jhajjar, District Jhajjar.

Heard.

Learned counsel for the petitioner submits that Rajender son of Sumer Singh was murdered by Neeraj and other persons as mentioned in the FIR. Allegation against the petitioner is that he was also one of the conspirator.

As per case of prosecution, the petitioner had helped assailants in identifying the deceased before the incident.

Learned counsel for the petitioner submits that most of the assailants named in the FIR belong to village of the deceased, as such, there was no reason for the petitioner to identify them. Except disclosure

statement of co-accused recorded by the police, there is nothing to connect the petitioner with the occurrence.

It has been submitted that after completion of investigation the challan has been presented by the police and no recovery was effected from the petitioner.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Harkesh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

July 11, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No