

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRM-M-19618 of 2017
Date of Decision: 19.07.2017**

Ajay

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. K.S. Dhaliwal, 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.233 dated 12.12.2015 registered for offences punishable under Sections 302 read with Section 120-B of Indian Penal Code (for short, "IPC") and 25/27 of the Arms Act, at Police Station Uchana, District Jind.

Heard.

It is a blind murder case of Baljit. The petitioner was arrested on 29.12.2015.

Learned counsel for the petitioner submits that a country made pistol was recovered from the petitioner and call record taken by the police during investigation shows that he had last call with the deceased. Learned counsel for the petitioner while referring to orders passed by the trial Court from time to time argues that the prosecution has not been able to examine even a single witness so far. He submits that main witness has been examined today and the case is now fixed for 28.08.2017. On earlier

occasions father of the deceased, namely, Jagtu and another witness,

namely, Partap had appeared in Court but they had not made their statements and taken adjournments twice i.e. on 14.02.2017 and 28.03.2017. Thereafter, they have not even put in appearance in Court. This shows that they are deliberately delaying trial of the case.

After presentation of challan and despite summoning of witnesses several times, none except one witness alleged to have been examined today, has deposed in this case so far. The recovery of pistol, without any report that the shot, which proved fatal to the deceased, was fired from this pistol and call details is a fact to be seen and appreciated by the trial Court on the basis of evidence and record produced before it while concluding, if the same is credible to prove the charge framed against petitioner.

Taking note of above facts 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-Ajay 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 19, 2017

jk

Whether speaking/reasoned

Whether reportable

(SURINDER GUPTA)
JUDGE

Yes/No

Yes/No