

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

**CRM-M No. 21366 of 2017
Date of Decision: 7.7.2017**

Kuldeep @ Baga

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE DR. SHEKHER DHAWAN

Present: Mr. S.S. Duhan, Advocate, for the petitioner

Mr. Satish Saini, DAG, Haryana

Shekher Dhawan, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 226 dated 1.7.2016 under Sections 302 and 34 IPC and Section 25 of the Arms Act, registered at Police Station Beri, District Jhajjar.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in this case. His name was not mentioned in the first version and the allegations in the FIR were against Dashrath and other co-accused. No recovery of any weapon has been effected from his possession. He is in custody since 18.7.2016, therefore, he may be released on bail.

Learned State counsel while opposing the bail application contended that the petitioner was owner of Bolero – car used for commission of crime and there is no ground for release of the petitioner on bail.

Having considered the submissions made by learned counsel for the parties and the fact that the petitioner was not named in the FIR and the original version was against Dashrath and his co-accused; no recovery of any weapon has been effected from the present petitioner; material witnesses examined before the trial Court by now, namely; Raj Singh-father of the deceased and Mandeep, have not supported the prosecution case, trial of the case is to take some more time, no useful purpose will be served by keeping the petitioner in custody, therefore, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of CJM/Illaqua/Area Magistrate, Jhajjar.

Nothing said here-in-above shall be construed to be an expression of opinion on the merits of the case.

(SHEKHER DHAWAN)
JUDGE

7.7.2017
Ashwani