

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-25364-2017

Date of decision: 18.08.2017

Moji Ram

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Jitender Nara, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Naveen S. Bhardwaj, Advocate for the complainant.

RAMENDRA JAIN, J. (ORAL)

1. Through this petition under Section 439 Cr.P.C., the petitioner has prayed for grant of regular bail in case FIR No. 489 dated 30.08.2016 registered under Sections 148, 149, 307, 302, 332, 353, 379-B and 120-B IPC and Section 25 of the Arms Act at Police Station Meham, District Rohtak.

2. According to the complainant's version, around 2.00 p.m. on 30.08.2016, the petitioner along with his son, namely; Gaurav, Ram Kumar and one Narender @ Bittu, armed with pistols murdered Dharmender (Teacher) father of the complainant in the school premises by firing from their pistols.

3. Learned counsel for the petitioner contends that during investigation, the statement of injured Neeraj (Teacher) under Section 161 Cr.P.C. was recorded wherein she clarified that the assailants were the young boys whereas the petitioner is a retired Principal aged around 65

years on the date of occurrence. The said injured witness namely, Neeraj did not named the petitioner. During investigation, the Investigating Officer had attributed the role to the petitioner of hatching conspiracy with his son and co-accused to kill Dharmender (Teacher). No recovery of any fire arm has been effected from the petitioner.

4. On the other hand, learned State assisted by learned counsel for the complainant refuted the submissions made by learned counsel for the petitioner.

5. I have given my anxious consideration to the submissions made by learned counsel for the parties.

6. Considering the overall facts and circumstances of the case and the fact that the only role attributed to the petitioner is of hatching conspiracy with his son and other assailants to commit murder of Dharmender (Teacher) and no recovery of any weapon was effected from him, this Court is of the considered opinion that the petitioner is at least deserves the concession of regular bail.

7. Thus, without expressing any opinion on the merits of the case and also that the trial is likely to take time, the instant petition is allowed and the petitioner is ordered to be released on regular bail pending trial, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

8. It is clarified that anything observed here-in-above shall not be construed as an expression of opinion, on the merits of the case.

August 18, 2017

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**(RAMENDRA JAIN)
JUDGE**