

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-2652 of 2017

Date of Decision: 01.02.2017

Chaman @ Pawan

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.S. Cheema, Senior Advocate with
Mr. Rajiv Kumar Trikha, Advocate
for the petitioner.

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. 305 dated 16.11.2015 registered for the offences punishable under Sections 148, 149, 452, 302, 506 read with Section 120-B of Indian Penal Code (for short 'IPC') and 25 of Arms Act, at Police Station Nangal Choudhary, District Mahendergarh.

Heard.

Notice of motion.

On asking of the court, Ms. Harpreet Kaur, AAG, Hayrana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

The petitioner is facing trial in the present FIR for murder of Shri Ram, who was a witness in the case of murder of his grandson-Sandeep.

Learned counsel for the petitioner submits that the incident took place on the intervening night of 15/16.11.2015. The petitioner was arrested on 15.12.2015 on the basis of disclosure statement of co-accused. He is neither named in the FIR nor named by any of the witnesses.

Learned State counsel submits that the prosecution has already examined 22 out of 35 witnesses. She further submits that evidence against

the petitioner is disclosure statement of co-accused and his own disclosure statement. He has not been named by any of the prosecution witnesses in Court. She, however, opposes the application on the ground that offence in this case is serious in nature and four persons of family were murdered.

As per version of occurrence given in the FIR, petitioner was not present at the time of occurrence. Eye-witnesses, who have been examined by the prosecution, have also not named him.

Keeping in view above facts but without expressing any opinion on merits of the case and in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Chaman @ Pawan 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 sure 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.

February 01, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No