

..

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

**CRM-M-33482-2017**

**Date of Decision:- September 22, 2017**

Dr. Lakhmi Chand

....Petitioner

Versus

State of Haryana

....Respondent

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

Present: Dr. Anmol Rattan Sidhu, Senior Advocate,  
with Mr. Pratham Sethi, Advocate,  
for the petitioner.

Mrs. Neelam Kashyap, DAG, Haryana  
for the respondent State.

**SHEKHER DHAWAN, J.**

Present petition under Section 439 Cr. P.C., for grant of regular bail in case bearing FIR No. 162 dated 16.07.2017 registered under Sections 302 and 34 IPC and Section 25 of the Arms Act and later on, offence under Sections 201 and 380 IPC was added on 04.08.2017 and 08.08.2017 at Police Station Bawal, District Rewari.

2 Facts relevant for the purpose of decision of this petition; that the present FIR was registered under Sections 302 and 34 IPC and 25 of Arms Act, 1959 on 16.7.2017 at the instance of Pawan Kumar with the allegations that on the same day, at about 9.00 AM, his father, namely, Satbir was present in the courtyard of house and was shot-dead by two unknown persons, who fled away from the spot in white coloured Swift

..

Maruti vehicle. Later on, Sections 201 and 380 IPC were added on 4.8.2017 and 08.08.2017 and the present petitioner was arrested on 08.08.2017.

3 Learned counsel for the petitioner contended that the petitioner is not involved as regard to commission of offence punishable under Section 302 IPC or as per provisions of Section 25 of the Arms Act. Rather, at the most, allegations against him are under Sections 201 and 380 IPC and those are on the basis of some extra judicial confession having been made by the petitioner, which the petitioner strongly refuted.

4. Learned counsel for the petitioner further contended that there is nothing, by way of evidence available on the file that the petitioner committed the crime to disappear the evidence with intention to screen the offender from legal punishment and concocted story of missing of bullets, skin, sealed cloth parcel, inquest proceedings was introduced. The prosecution is yet not clear as to in whose possession the above sealed parcel and documents remained through out, but at any rate, the petitioner was not the member of the Board of Doctors, which had conducted the postmortem on the dead body of Satbir and as such, he had no knowledge about the existence of allegation of alleged parcel/ documents. The decision of the case still to take some more time and the petitioner is in custody since 08.08.2017 in this case, so the petitioner be released on bail.

5. Learned State counsel fairly conceded that allegations against the petitioner are not under Section 302 IPC or under the Arms Act. Rather, the petitioner is facing the allegations under Sections 201 and 380

..

IPC and those relate to theft of parcel and missing of bullets, skin and inquest proceedings. There is no ground to release the petitioner on bail.

6. Having considered the submissions made by learned counsel for the parties and the fact that the petitioner is not facing any allegation of having committed the murder, rather, he is facing allegations under Sections 201 and 380 IPC; it is also not disputed that the petitioner was not member of the Board of Doctors who had conducted the postmortem examination on the dead body of Satbir; the present FIR was registered on 16.7.2017 and Sections 201 and 380 IPC were added after considerable period, i.e., on 4.8.2017 and 8.8.2017, the petitioner is in custody since 08.08.2017; and the trial of the case still to take some more time to conclude, no useful purpose would be served to detain the petitioner, the petitioner is ordered to be admitted to bail on his furnishing bail/surety bonds to the satisfaction of CJM/Area Magistrate, Rewari.

7. The petition stands allowed.

**September 22, 2017**  
som

**( SHEKHER DHAWAN )**  
**JUDGE**

Speaking/Reasoned  
Reportable

Yes  
No