

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

**CRM-M No. 34643 of 2016
Date of Decision: 21.03.2017**

Madan Lal

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gitish Bhardwaj, Advocate,
for the petitioner.

Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (ORAL)

Prayer in this petition is for grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 780 dated 23.10.2015, under Sections 148, 149, 342, 302, 323, 506 and 120-B I.P.C. and under Section 25 of the Arms Act, registered at Police Station Sadar Karnal, District Karnal.

The FIR was registered at the instance of Naresh Kumar, who alleged that he and Jamala were having dinner in the house of in-laws of Jamala. Wife of Jamala and his mother-in-law were also present. At about 11.00 p.m., Tannu, Billu, Dildaar, Rajwant, Sheru, Ravi @ Sittu along with 2-3 other persons came on motorcycles. Billu, Tannu, Ravi @ Sittu were having pistols in their hands. Billu fired at the chest of Jamala.

Tannu fired a shot from his pistol on Jamala, which hit on his

thigh. Jamala tried to run away. Then from the back side, Ravi @ Sittu fired a shot, which hit on his hip. Dildar gave a *lathi* blow on the head of Jamala. Rajwant, Sheru and 2-3 other persons gave *lathi* blows to Jamala and his wife.

Learned counsel for the petitioner submitted that the petitioner was not named in the FIR. He was implicated on the basis of disclosure statements of co-accused, namely Billu and Ravi @ Sittu.

The disclosure statements of the aforesaid persons, i.e. Billu and Ravi @ Sittu, were to the effect that they had discussion with the petitioner and he advised them to kill Jamala.

After the arrest of the petitioner, even disclosure statement of the petitioner was also recorded on the same pattern, wherein a pistol used by Billu was allegedly given to him, which ultimately led to recovery from the petitioner.

Petitioner is in custody since 07.11.2016.

Learned State counsel on instructions from ASI Suraj Bhan submits that supplementary challan has been submitted on arrest of Tannu and now, the case is fixed for 29.03.2017, for committal to Court of Sessions.

In view of the aforesaid, without meaning anything on merits of the case and since the petitioner was not named in the FIR, his complicity in a given situation would be a debatable

issue, I deem it appropriate to enlarge the petitioner on regular bail.

In view of the above, the petition is allowed. The petitioner is ordered to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

21.03.2017
Apurva

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No