

Sr. No.207

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-39839 of 2016 (O&M)

Date of Decision:24.01.2017

Lalit

... Petitioner

Versus

The State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. R.S.Rai, Senior Advocate with
Mr. Karan Pathak, Advocate,
for the petitioner.

Mr. C.S.Bakhshi, Additional A.G., Haryana.

Mr. Gurvinder Sandhu, Advocate for
Mr. J.S.Ghumman, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.176 dated 29.04.2015, under Sections 302, 201, 120B of Indian Penal Code and Section 25 of Arms Act, registered at Police Station Pataudi, District Gurgaon.

Counsel for the parties have been heard.

Process of law was set in motion on the statement of Balraj. Name of the deceased is Gonu Yadav i.e son of complainant Balraj.

Perusal of the FIR would reveal that on 29.04.2014 Gonu Yadav was proceeding to his maternal uncle's house in a Maruti Swift car to bring his mother. It is alleged that on the way certain unknown persons may have stopped the car of Gonu Yadav and upon which Gonu Yadav to save

had fired upon him and thereby killing him.

It is a case of blind murder.

As per prosecution version, the present petitioner was arrested on 07.05.2015 based on secret information. Further more during the course of investigation, the petitioner is stated to have suffered a disclosure as regards having hatched a conspiracy along with one co-accused Arun S/o Jaswant who was stated to be in an illicit relationship with Priyanka i.e. wife of the deceased Gonu Yadav. It is also the case of the prosecution that a country made weapon W1 was recovered from the present petitioner. The conspiracy angle involves the present petitioner, Arun S/o Jaswant, Arun @ Bania S/o Shri Ram and Priyanka i.e. wife of the deceased. Motive attributed is that the deceased used to object to the relationship of Arun S/o Jaswant with Priyanka.

It has gone uncontroverted that all the other three co-accused have already been granted benefit of bail.

During the course of arguments today, the police file has also been perused. As per report of Forensic Science Laboratory, Madhuban Haryana, no definite opinion has been rendered as regards the bullets recovered from the body of the deceased to have been fired from the weapon allegedly recovered from the present petitioner W1.

State counsel informs the Court that out of 28 prosecution witnesses having been cited, 08 have been examined till date.

Trial as such would take time to conclude.

It is a case of circumstantial evidence.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner as also in

view of the fact that the other co-accused including Arun S/o Jaswant have already been granted benefit of bail, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Gurgaon.

Disposed of.

24.01.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes