

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

**Crl. Misc. No.M-47017 of 2017 (O&M)
Date of Decision: December 14, 2017.**

Ajay @ Bhuria

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.S. Dhull, Advocate
for the petitioner (s).

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. 318 dated 04.11.2016 registered for the offences punishable under Sections 302, 387, 201, 216, 120-B read with Section 34 of Indian Penal Code and 25 of Arms Act at Police Station Julana, District Jind.

Heard.

Notice of motion.

On asking of the court, Mr. Deepak Grewal, DAG, Haryana, 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 him.

Learned counsel for the petitioner submits that it is a case of blind murder of one Surender @ Balli, who was caused fire arm injury by

unidentified persons. On being shifted to the hospital, he was declared dead. The petitioner was arrested in this case on the disclosure statements of co-accused Amarjeet and Sudeep, who have stated that plan to murder Surender @ Balli was hatched at the resident of petitioner. Except the disclosure statements of his co-accused, there is no evidence to connect the petitioner with the crime.

Learned State counsel submits that after filing the challan by the police, prosecution has examined 7 out of 45 witnesses and except PW-1, who is police official, all other have turned hostile. The petitioner was arrested in this case on the disclosure statements of co-accused and recovery of motor cycle, which was used in the crime, was effected from him.

As per submission of learned counsel for the petitioner and learned State counsel, the only evidence to connect the petitioner with the crime is the disclosure statement of co-accused and recovery of motor cycle from him. There is no direct evidence on record to show that the motor cycle recovered from the petitioner was used in committing the crime. The petitioner was arrested in this case on 10.11.2016.

Keeping in view the above facts, period of incarceration of petitioner and that conclusion of the trial will take considerable long time, the present petition is allowed. Petitioner Ajay @ Bhuria 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 surety 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 prior permission of the Court.

December 14, 2017

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**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No