

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-5472 of 2017

Date of Decision: 27.02.2017

Ram Pal

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Shilak Ram Hooda, 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. 240 dated 05.06.2016 registered for offences punishable under Sections 148, 149, 302, 307, 216 read with Section 120-B of Indian Penal Code (for short 'IPC') and 25 of the Arms Act, at Police Station Safidon, District Jind.

Heard.

Notice of motion.

On asking of the court, Ms. Harpreet Kaur, AAG, 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 her.

Learned counsel for the petitioner submits that petitioner has been challaned in this case for offence punishable under Section 120-B IPC only. His case is similar to the case of co-accused-Devender @ Monu, who has been allowed regular bail vide order dated 12.01.2017 passed in CRM-M-42029 of 2016.

Learned State counsel submits that though the petitioner has been challaned for offence punishable under Section 120-B IPC, there is disclosure statement of co-accused that he was tracking the movement of deceased and had also given shelter to co-accused.

Admittedly, the petitioner was not present at the time of murder of Narender Rathi. He was arrested on 09.08.2016 and the only evidence collected by the police against him is disclosure statement made by the co-accused, which is yet to be scrutinized by the Court.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Ram Pal 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 previous permission of the Court.

February 27, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No