

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-15220-2018

Date of Decision: 31.7.2018

Lalit @ Bablu

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rajat Mor, Advocate
for the petitioner.

Mr. Ashok Muthreja, DAG, Haryana.

RAJ SHEKHAR ATTRI, 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.221 dated 22.3.2017 registered for the offences punishable under Sections 332, 353, 307, 302, 186, 34, 120-B of Indian Penal Code (for short, "IPC") and Section 25 of Arms Act at Police Station Jhajjar, District Jhajjar.

Heard.

Learned counsel for petitioner submits that the name of the petitioner is not mentioned in the FIR and no direct role has been attributed with regard to murder of Rajiv @ Kala.

As per allegations levelled in the FIR, on 22.3.2017, one Rajiv @ Kala (hereinafter referred to as the deceased) was brought from Ambala Jail for producing him in District Jail, Jhajjar. After he was produced in the

appeared there and fired upon the deceased. Although the deceased was taken to the hospital yet he succumbed to the injuries.

I have heard the learned counsel for the parties and gone through the material available on record.

No direct role has been attributed to the petitioner. The only allegation levelled against him is that he supplied the information to the accused and after his arrest, the pistol was recovered.

Learned State counsel submits that as per Forensic Science Laboratory report, the pistol recovered did not match with the cartridges recovered from the spot as well as with the pellets recovered from the body of the deceased, as such, the pistol was never used in the crime.

The petitioner is in custody since 26.3.2017.

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. The petitioner 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

(RAJ SHEKHAR ATTRI)
JUDGE

July 31, 2018
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No