

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

**CRM-M No.20961 of 2018
Decided on: 22.05.2018**

Ajit Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. R.S. Rai, Sr. Advocate
with Mr. Gautam Dutt, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.656 dated 28.11.2017, for offence punishable under Section 302 of the Indian Penal Code (in short 'IPC') and 25 of the Arms Act, registered at Police Station Mahendergarh, District Mahendergarh.

Counsel for the petitioner has submitted that as per the allegation in the FIR, after the alleged incident on 27.11.2014, the Investigating Officer, after obtaining the opinion of the Doctor, who declared the injured – Rajesh fit for making statement, recorded his statement where he has stated that the petitioner and he were talking to each other about some money transactions and at about 10:00 hours, the petitioner was loading his gun towards him and coincidentally, a bullet was fired from the gun of the petitioner which hit upon the chest of Rajesh. It is further submitted that on the next date i.e. 28.11.2017, the

injured – Rajesh died and after 20 days of the said incident, the police recorded statement of the brother and wife of the deceased – Rajesh and Section 302 IPC was added in the FIR.

Counsel for the State, on instructions from ASI Sukhbir Singh, has not disputed the factual position as stated in the FIR and further submitted that the challan has already been presented in the Court and the petitioner is no more required for any further investigation.

Without commenting anything on merits of the case and considering that the statement of EHC Rajesh (since deceased) and also in view of the fact that the petitioner is in custody for the last about 05 months and 24 days; he is not required for any other case and conclusion of the trial is likely to take some time as 31 prosecution witnesses have been cited in the list of witnesses, the present petition is allowed and the petitioner is ordered to be released on bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

This will, however, be subject to payment of Rs.2,00,000/- i.e. Rs.1,00,000/- to be paid to the wife of deceased – Rajesh Kumar, in the shape of demand draft and a post dated cheque for a date of 30 days for another amount of Rs.1,00,000/- while furnishing bail/surety bonds.

In case, the wife of deceased refuses to accept the aforesaid amount, Rs.2,00,000/- will be deposited in the Government Treasury within a period of 30 days of furnishing bail/surety bonds, during the pendency of the trial. The deposit of amount will be without prejudice to the right of defence of the petitioner during trial.

It will also be open for the prosecution to apply for cancellation of bail, if the petitioner is found misusing the concession of bail, in any manner.

Nothing observed hereinbefore shall be construed as an expression of opinion on merits of the case.

(ARVIND SINGH SANGWAN)
JUDGE

22.05.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No