

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21006 of 2018
Date of Decision: 22.05.2018

Rakesh @ Midda

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. K.S. Dhaliwal, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

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.359 dated 21.04.2017 registered for offences punishable under Sections 302/34/120-B of Indian Penal Code (for short, "IPC"), 25 of the Arms Act and 3 (2) (v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, at Police Station Jind City, District Jind.

Heard.

As per allegations in the FIR, son of complainant, namely, Lucky, had a dispute with Som son of Devanand and their enmity continued. Sombir Padana, Rakesh @ Midda (petitioner) and Ashish Khokhar are friends of Som son of Devanand. Som planned to kill Lucky and on 20.04.2017 he alongwith his friends fired at Lucky, who succumbed to injuries suffered by him. The complainant while naming above accused has also named some other persons as conspirators for murder of his son.

Learned State counsel submits that the petitioner was arrested

in this case on 16.07.2017 but no recovery was effected from him. He is named in the FIR and is a hardcore criminal, who has also been awarded sentence of imprisonment for life in a case.

As per allegations in the FIR, Som son of Devanand, who was having dispute with deceased-Lucky had taken assistance of his friends, namely, Sombir, Rakesh @ Midda (petitioner) and Ashish to murder him. However, no recovery of weapon was effected from him and he has not been named as accused, who fired at deceased.

Keeping in view above facts and that after completion of investigation challan has been presented and some of the accused, named in the FIR, are yet to be arrested, the present petition is allowed. Petitioner-Rakesh @ Midda 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

May 22, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No