

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

CRM-M No. 30802 of 2018

Date of decision : 29.11.2018

Hem Raj

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Arjun Lakhanpal, Advocate for the petitioner.

Mr. R. S. Doon, AAG, Haryana.

Ms. Radhika Sharma, Advocate for
Mr. Aditya Sanghi, Advocate for the complainant.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Hem Raj has approached this Court by way of filing the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.69 dated 14.03.2016 under Sections 148, 149, 302, 506, 120-B of the Indian Penal Code, 1860, registered at Police Station – Bhattu Kalan, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas there is no specific allegation against him. He has been implicated on the basis of general and vague allegations as no specific role has been attributed to him. Learned counsel

also submits that there is no motive on the part of the petitioner to cause injuries to the deceased and to commit murder. Co-accused namely Mohit has filed CRM-M No.16160 of 2017 and has been released on regular bail vide order dated 11.05.2018. Nothing was recovered from the petitioner and no connecting evidence was found in the investigation. Learned counsel also submits that challan has been presented and charges have been framed. Case is fixed for prosecution evidence.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner not only on the ground of seriousness of offence but the stage of the trial as even a single prosecution witness has not been examined so far.

Similarly, learned counsel appearing for the complainant has also vehemently opposed the submissions made by learned counsel for the petitioner that the petitioner has played active role in commission of offence.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on record.

As per the allegations, *Danda* was recovered from the petitioner but no blood was found on the *Danda*. Moreover, there was no comparison of the blood, which was found on certain items with the blood of the deceased. Accordingly, without commenting anything on the merits of the case and in view of submissions made by learned counsel for the petitioner and also the fact that the petitioner is in custody since 23.03.2016; co-accused of the petitioner namely Mohit has been released on regular bail, present petition is allowed and the petitioner is directed to be released on

regular bail on furnishing adequate bail/surety bonds to the satisfaction of the trial Court.

29.11.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No