

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

CRM-M-31100-2017

Date of Decision: February 14, 2018

Ajay @ Symond

.....Petitioner(s)

versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. R.N. Lohan, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Ajay Kansal, Advocate
for the complainant.

Sudhir Mittal, J. (Oral)

Pursuant to order dated 10.01.2018, affidavit of Ram Bhaj, HPS, Deputy Superintendent of Police, Headquarter Jind, District Jind, has been filed by the learned counsel for the State and the same is taken on record.

2. Learned counsel for the petitioner contends that the petitioner has been in custody since 26.05.2016 and that no other case stands registered or pending against him. He further, submits that other co-accused have been granted regular bail by this Court. No fire arm has been recovered from the petitioner

3. On the other hand, learned State counsel assisted by learned

counsel for the complainant submits that the petitioner is accused of using fire arm, which however missed the injured. In this regard, reference has been made to CCTV footage. He also relies upon Annexure R-3 and R-4 (statements of co-accused) whereby they have stated that the petitioner was hired by them for committing the crime. Thus, it is submitted that the case of the petitioner is different from that of all other co-accused, who have been released on bail because no allegations were attributed to them.

4. It is not in dispute that the petitioner is in custody since 26.05.2016. However, the evidence collected by the Police till date lend support to the contention of the learned counsel for the State that the petitioner is a hired killer even though no previous case is pending against him. He is also attributed to have used fire arm which has been captured in CCTV footage. Mere non-recovery of fire arm would not be sufficient to come to the conclusion, at this stage that the petitioner did not use fire arm at the time of incident.

5. In view of the above, the present petition is without any merit and is therefore, dismissed.

February 14, 2018

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[SUDHIR MITTAL]
JUDGE

**Whether speaking/reasoned :
Whether Reportable :**

**Yes/No
Yes/No**