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

**CRM-M-4125-2018
Date of Decision: 06.02.2018**

Vijay @ Bunti

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

SUDIP AHLUWALIA J. (ORAL)

This is a petition for regular bail under Section 439 Cr.P.C. on behalf of the petitioner, who was arrested on 14.11.2017 in case FIR No.0098 dated 01.02.2017, under Sections 302, 201, 364, 365 and 34 of the IPC, registered at Police Station Hisar Sadar, District Hisar.

[2]. From the charge-sheet (Annexure P-3), it is seen that the petitioner has been charged only with the offence under Section 365 read with Section 34 of the IPC whereas the remaining accused persons were charged for the offences under Sections 302 and 201 of the IPC, in view of the own endorsement of the Investigating Officer that the petitioner's involvement in the murder of the victim could not be established.

[3]. Admittedly, the car in which the victim was taken away was not recovered from the petitioner, who gave his statement to the Investigating Officer that he had brought his car at Model Town, Hisar on the request of co-accused Yogesh, who had represented to him that the vehicle was required for attending a marriage party and it was only after reaching there

he was told by the co-accused that they had decided to teach a lesson to the deceased victim. The petitioner thereafter accompanied them up to Sector 13 in the said car, after which Investigating Authority ascertained that the victim was dropped near the parking area of the said Sector, and the petitioner himself alighted about five hundred metres away.

[4]. In this view of the matter, undoubtedly the petitioner would not appear to be involved in the conspiracy to murder the victim and so he has been correctly charged only for the offence under Section 365 of the IPC. At the same time, there is no material to indicate that the Investigating Authorities determined at any time that the version of the entire occurrence as given by him was false, which would, therefore, also reasonably give rise to the belief that he had initially taken his car only on the request of the co-accused Yogesh because he genuinely believed that he was required for going to the marriage party.

[5]. In the circumstances, considering the long detention undergone by the petitioner, he may at this stage be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. It is, however, made clear that the Ld. Trial Court shall not be influenced by any observation recorded in any part of this order and shall proceed with the trial and come to its final decision independently on its own merits.

[6]. Disposed off.

06.02.2018*Bhumika***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No