

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

Sr. No.208

CRM-M-40378-2017
Date of decision : 23.01.2018

Lalit Kataria

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sanjiv Sheoran, Advocate, for the petitioner.

Mr. Munish Sharma, Asstt. AG, Haryana.

SUDHIR MITTAL, J. (Oral)

This is a petition for grant of regular bail in case FIR No.282 dated 02.09.2016, registered at Police Station Bhondsi, District Gurgaon, under Sections 201, 302, 476, 120-B and 34 IPC and Section 25 of the Arms Act, 1959.

2. Learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and his name has been included only on the basis of disclosure statement of the co-accused. The car allegedly used in the crime, does not belong to him and the complainant as well as an eye-witness, have not named him in their statements during the trial. He further submits that the petitioner has been in custody since 30.09.2016 and therefore, he deserves to be released on regular bail.

3. On the contrary, learned State counsel submits that a specific role of identification of the deceased to the killers, has been attributed to the petitioner. Based on the disclosure statement of the petitioner,

an I-20 car used in the offence, has been recovered. The petitioner has played a major role in the murder of the deceased and therefore, he does not deserve the concession of regular bail. Moreover, it is submitted by the learned State counsel that the trial is almost complete as 19 out of 24 prosecution witnesses have been examined. The next date in the trial is 24.01.2018, for examination of rest of the prosecution witnesses.

4. Having heard learned counsel for the parties, I am of view that the petitioner does not deserve the concession of regular bail because major role has been attributed to him in the murder case. That apart, the trial is nearing completion and at this stage, no ground is made out for releasing the petitioner on regular bail. In case, he is found innocent during the trial, he would be entitled for acquittal.

5. In view of the above, the present petition is dismissed.

(SUDHIR MITTAL)
JUDGE

January 23, 2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No