

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

**CRM No.M-8013 of 2018 (O&M)
Date of Decision: July 17, 2018**

Ashok Kumar Jindal

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ashwani Gaur, Advocate
for the petitioner.

Mr.Sukhdeep Parmar, DAG, Haryana
for the respondent-State.

Mr.Baldev Singh Badhran, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439(2) Cr.P.C. for cancellation of bail granted to respondent No.2 vide order dated 19.05.2017 by learned Addl. Sessions Judge, Gurugram, in case FIR No.642 dated 16.07.2016 under Sections 392, 302 and 34 IPC (Section 120-B IPC and Section 25 of the Arms Act added later on), registered at Police Station Gurgaon City, Gurugram.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

The main argument of learned counsel for the petitioner is that the respondent No.2-Deepak Sharma is the main conspirator and he has been released on bail. The perusal of the record shows that Deepak Sharma was in custody since 16.08.2016 and he was released on regular bail vide order dated 19.05.2017 i.e. after nine months of his custody period. In the present case, admittedly, as per FIR, Surjit @ Billu, Devender @ Dev and Gaurav Singla @ Sonu Kataria, have committed the murder. Deepa is wife of Surjit @ Billu and step mother of Gaurav Singla @ Sonu Kataria. She was also stated to be conspirator. Present petitioner is real brother of Deepa and the motive in this case has been alleged that Deepak Sharma has to pay ₹15 lakhs to the deceased.

Learned Addl. Sessions Judge, Gurugram, by discussing all the facts minutely and law on the point, granted bail to Deepak Sharma by passing well reasoned and detailed order. From the perusal of the record, I find that the Court below has used its judicial discretion while granting the bail. Learned counsel for respondent No.2 contended that except the statement of co-accused, no cogent evidence is there to connect respondent No.2 with the crime.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case and in view of the fact that only conspiracy has been alleged, I find that no ground is made out for cancelling the bail granted to respondent No.2-Deepak Sharma.

Therefore, finding no merit in the present petition, the same is

dismissed.

However, nothing stated above, shall constitute my opinion on merits of the case.

July 17, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No