

In the High Court for the States of Punjab and Haryana at Chandigarh

CRM-M-54504-2018
Date of Decision: May 21, 2019

Lalit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Amitabh Tewari, Advocate,
for the petitioner.

Mr. R.K. Makkar, Sr. DAG, Haryana.

Ramendra Jain, J. (Oral)

Through the instant petition under Section 439 Cr.P.C., prayer has been made for grant of regular bail to petitioner – Lalit, in case FIR No. 77, dated 23.06.2017, registered under Sections 302/201, 216, 34IPC and Section 25 of the Arms Act, at Police Station Sector 9A, Gurugram.

According to the prosecution, on 22.06.2017, younger brother of the complainant, Narender was murdered. The complainant reported the matter to the police, raising suspicion on two persons, namely Vijay Kaushik and Lajpat Kaushik, who during investigation, were found innocent. Subsequently, on the basis of supplementary statement of the complainant, co-accused Arjun was arrested. On interrogation, in his disclosure statement, he named the petitioner as one of his accomplice. According to his disclosure statement, the petitioner was accompanied him and also fired upon the deceased Narender.

Learned counsel for the petitioner *inter alia* contends that the petitioner is in custody since 03.11.2017. All the material witnesses have been examined. None has specifically named the petitioner as murderer of Narender. The prosecution witness has again reiterated the story that murder of Narender was committed by co-accused Arjun. Therefore, as on date, there is no iota of evidence against the petitioner except disclosure statement of co-accused which is very weak type of evidence. Conclusion of trial may take long time. No useful purpose would be served by detaining him in jail.

On the other hand, learned State counsel has opposed the regular bail to the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Lalit, is ordered to be released on bail pending trial, on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

May 21, 2019
vkd

(Ramendra Jain)
Judge

Whether reasoned / speaking : Yes / No

Whether reportable : Yes / No