

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54577-2018
Date of decision-25.01.2019

Neeraj Kumar @ Ajay

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.S.Sahu, Advocate for the petitioner.

Mr. Nishchal Mann, DAG, Haryana.

MANOJ BAJAJ, J.

Neeraj Kumar @ Ajay has prayed for grant of regular bail in case FIR No.238 dated 15.10.2016 under Sections 302, 452, 148, 506 and 212 read with Section 149 of Indian Penal Code and Sections 25, 54 and 59 of the Arms Act registered at Police Station Adampur, District Hisar. He is in custody since his arrest from 27.10.2016.

Vishnu son of Lilu Ram got recorded his statement on 15.10.2016 whereby upon FIR has been registered with the broad allegations that on 15.10.2016 he alongwith his parents were preparing for settling up for their journey to Salasar. Complainant along with his mother woke up at 4.30 A.M. His mother started preparing tea and the complainant went for bath. At that time, 4 to 5 boys came in his house and entered the room of his father and started firing indiscriminately. The complainant ran towards the room and saw that five persons, namely, Badal, Vikram, Vishnu @ Sain,

Ishawar and Sanjay Kalyana Bishnoi were coming out of the room. They all ran away leaving behind the threats. The complainant entered the room and saw his father who was bleeding profusely. Upon reaching hospital, he was declared brought dead. After registration of the case, investigation was carried and petitioner is allegedly arrested on 27.10.2016.

Learned counsel for the petitioner contends that complainant-Vishnu got a supplementary statement recorded on 30.10.2016 (Annexure P-2) wherein it is stated that few more persons were accompanying the five assailants who were named on 15.10.2016. The complainant could not identify them because of darkness and revealed their names on 30.10.2016. It is further argued that the prosecution has already examined 22 witnesses out of in all 36 and material witnesses i.e. complainant and his mother (eye-witnesses) have already testified before the Court. It is contended that no recovery was effected from the petitioner and there is no material evidence, to indict in the crime.

On the other hand, learned State counsel assisted by ASI Harjinder Singh has opposed the petition on the ground that the offence is of grave nature, however, it is not disputed by the officer present in the Court that the petitioner was arrested on 27.10.2016 i.e. before the supplementary statement of the complainant recorded on 30.10.2016.

It is pointed out that arrest was made pursuant to the statement dated 17.10.2016 given by Hansraj (brother of deceased Lilu Ram), wherein it is alleged that he from his own sources has come to learn that besides Badal and others few more accused were involved in the crime. It is also not

disputed that motive is attributed to Badal.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume more time as still there are 14 witnesses remains to be examined, in the considered opinion of this Court, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that petitioner be released on regular bail subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court concerned.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

25.01.2019

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No