

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-29040 of 2019
Date of Decision: 19.11.2019

Beeru Ram

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Munish Sharma, AAG Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.126 dated 01.06.2018 registered for offences punishable under Sections 285, 365 of Indian Penal Code (for short, "IPC"); 25 of the Arms Act at Police Station Bhattu Kalan, District Fatehabad. (Offences punishable under Sections 148, 149, 364, 452, 302, 201, 120-B IPC were added later on while Section 365 IPC was deleted).

Heard.

FIR was registered on the statement of Rai Singh. His nephew (sister's son), who was living with him, eloped with niece of accused-Dalbir and married with her. He brought her to the house of complainant. On 01.06.2018, 15-20 persons came in two vehicles, fired shots in air and kidnapped nephew of complainant and his wife, namely, Sunita.

Learned State counsel on instructions from ASI Bhim Singh submits that though, none of the accused is named in the FIR, complainant

in his supplementary statement recorded on the next day, has named 16 accused, out of whom one was found innocent. 12 accused have been arrested while three are absconding. As per allegations, petitioner was guarding the gate with double barrel gun in his hand, when nephew of complainant was given beatings and killed.

Learned counsel for the petitioner submits that petitioner is 72 years of age and has not been attributed any injury to deceased. It is nowhere the case of prosecution that he has used double barrel gun with him at the time of incident.

It is a case of honour killing. The petitioner was not named in the FIR but later on he has been named in the supplementary statement of complainant. He has, however, not been attributed any active role in causing any injury to the deceased. One of the accused, who has been attributed a fire shot, which did not hit anybody, namely, Siri Ram, has already been allowed regular bail vide order dated 11.12.2018 passed in CRM-M-53862-2018. The petitioner was arrested on 16.03.2019 and is in custody since then.

Without expressing any opinion on merits of the case but keeping in view age of the petitioner and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Beeru Ram is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the

benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

November 19, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No