

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-30477-2019 (O&M)
Date of Decision:- 24.7.2019

Bhajan Lal ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kushagra Mahajan, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No.352, dated 29.7.2018, Police Station Butana, District Karnal, under Sections 148, 149, 307, 302, 379, 120-B IPC and Section 25 of the Arms Act.
2. The FIR was lodged at the instance of Naresh Kumar wherein it has been alleged that on 29.7.2018, when he along with his brother Suresh were returning back from the house of the Sarpanch Rajpal a white coloured *i-20* car came there in which there were 4-5 occupants

who were carrying weapons. It is alleged that Krishan, Pawan, Jasbir, Sherkhan and Sunny were amongst them. It is alleged that Krishan was holding a weapon and fired from the same upon his brother Suresh with an intention to kill him who later succumbed to his injuries. The complainant alleged that he suspected that Randeep, Rinku and Satish also had a role to play in murder of his brother.

3. The learned counsel for the petitioner has submitted that even as per the FIR, the petitioner is nowhere named in the FIR and is sought to be nominated as an accused on the basis of a supplementary statement of Deep Chand, brother of deceased recorded after about 6 months of occurrence, on 19.1.2019, wherein he stated that the present petitioner had conspired with the other accused for murder of the complainant's brother Suresh and had provided monetary help. Learned counsel for the petitioner has submitted that subsequently the petitioner was arrested on 22.1.2019 and the police claims that on 23.1.2019, the petitioner made some statement confessing his guilt.
4. Opposing the petition, learned State counsel has submitted that since he has specifically been named by Deep Chand and is closely related to the main accused Krishan, who is absconding, the complicity of the petitioner is evident and in case the petitioner is released on bail he is likely to tamper with the evidence.
5. Having considered rival submissions addressed before this Court and while bearing in mind the fact that the petitioner is not named in the FIR and is sought to be nominated on the basis of a supplementary statement recorded after about 6 months of the FIR and wherein also

the allegation is that he had conspired with the remaining accused and provided monetary assistance, in my opinion, it is a fit case for grant of regular bail. The petition, as such, is accepted. Petitioner Bhajan Lal is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

July 24, 2019
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(GURVINDER SINGH GILL)
JUDGE

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