

CRM-M-2650-2019
Date of Decision: 02.03.2020

Rahul **... Petitioner**

v/s

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. H.S.Bhullar, Advocate for the petitioner.

Mr. Baljinder Singh Virk, DAG Haryana.

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VIVEK PURI, J. (ORAL)

Present petition has been filed for grant of regular bail in case FIR No. 614 dated 14.11.2017 under Section 302, 34 IPC and Section 25 of Arms Act, 1959 and Sections 3 & 4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Civil Lines Rohtak, District Rohtak.

Precisely, the FIR has been registered on the basis of the statement of Balbir Singh alleging that on 13.11.2017, he has received an information that his son has been shot in DLF Colony. Accordingly, he reached PGIMS, Rohtak and came to know that his son has died due to bullet injury. It was suspected that the petitioner had murdered the son on account of enmity.

It has been argued by learned counsel for the petitioner that the petitioner has been implicated on the basis of suspicion only, he is in custody for a period of more than two years and furthermore, the co-accused namely

Tarun Khurana is already on bail.

On the contrary, it has been stated by learned State counsel that licenced pistol has been recovered from him. The empty cartridge cases recovered from the spot. The bullet recovered from the body of the deceased during the course of post-mortem examination had matched as per the report of FSL.

It may be mentioned here that though the name of the petitioner has been mentioned in the FIR on suspicion only but significantly licenced weapon has been recovered from him and empty cartridge cases recovered from the spot and bullet recovered from the body of the deceased have matched as per the report of FSL. Moreover, the case of the petitioner is not at par with Tarun Khurana, co-accused as the injuries have not been attributed to him. Moreover, merely because the petitioner is in custody for a period of about two years cannot be termed to be a ground to extend the concession of bail at this stage, particularly because 10 witnesses have already been examined.

Keeping in view the gravity of allegations and the circumstances emerging in the case, no justified grounds are made out to extend the concession of bail to the petitioner.

Dismissed.

02.03.2020

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No