

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-10620 of 2015

Date of Decision: 05.05.2015

Karambir

--Petitioner.

Vs.

State of Haryana

--Respondents.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. M.K.Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 244 dated 25.7.2013 under Sections 302/379/34 IPC and Sections 25/54/59 of the Arms Act, registered at Police Station Sadar, Rohtak.

Learned counsel for the petitioner submits that it was the case of blind murder. He further submits that on 19.5.2013, i.e, on the date of occurrence, this very complainant namely Sunil had made a categoric statement before the police that his father died because of sudden electrocution and nobody was involved in the death of his father. He said so after verifying about the occurrence at his own level. However, after a gap of more than two months, complainant changed his statement for the reasons best known to him and got the present FIR registered. He also submits that at the time of making his first statement on 19.5.2013, complainant nowhere made even a passing reference of the licensed revolver owned by his father-Sh. Rajkumar (deceased). He concluded by submitting that even the cause of death, as opined by the doctor, was because of electrocution and not because of strangulation, the story which

was introduced at a later point of time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Shamsheer Singh, Police Station Sadar Rohtak, submits that although it was a blind murder, yet the licensed revolver owned by the deceased was recovered from the petitioner in another case. Thereafter, he suffered a disclosure statement, followed by recovery of motorcycle from him and he has been found as the real accused. He prays for dismissal of the petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that amended statement given by the complainant which made the basis of registration of the FIR is a debatable issue. Similar is the position regarding the medical evidence.

Keeping in view the peculiar facts and circumstances of the case and without commenting anything further on merits, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial, subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

05.05.2015
Ak Sharma