

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-10712 of 2015 (O&M)
Date of Decision: 07.07.2015

Amrit

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:-HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Narender Kaajla, Advocate for the petitioner.

Mr. M.S. Sidhu, Addl. A.G., Haryana.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 439 Cr.P.C praying for grant of regular bail to the petitioner in case F.I.R. No. 63 dated 28.1.2014 under Sections 302, 34 I.P.C (section 120-B I.P.C added later on) registered at Police Station, Bhiwani Sadar, District Bhiwani.

Counsel for the parties have been heard.

F.I.R in question was registered on the statement of Ram Prasad. Deceased is his nephew Ved Parkash, who used to supervise Sham Brick Kiln. Ram Prasad, complainant has stated that on 27.1.2014 Amit son of Ved Parkash had informed that his father had not turned up home in the evening. Accordingly, complainant Ram Prasad along with Amit had gone to the Brick Kiln in search of Ved Parkash. It was stated that labourers had gathered there and even Sanjay, who also used to supervise the Brick Kiln was also present. Body of Ved Parkash was found having been strangled with the help of a cloth. Body had been found in mustard crop field near the brick kiln. As per complainant Ram Prasad the needle of suspicion was pointed towards Sanjay by stating that in the morning deceased Ved Parkash and Sanjay used to go together and even returned home together and on the

fateful day Amit had tried to contact his father (since deceased) on his mobile phone but the same was switched off but on making inquiries from Sanjay he was told that he would come after a while. Accordingly, Ram Prasad complainant had named Sanjay as a suspect.

The present petitioner was sought to be implicated and thereafter arrested on 20.3.2014 on the basis of a confessional statement made before ex-Sarpanch of the village namely Shri Bhagwan.

It would be apposite to reproduce such statement dated 18.3.2014 and placed on record at Annexure P-3, which reads as under:-

“Statement of Ex. Sarpanch Shri Bhagwan son of Shishpal caste Brahman resident of Umrawat U/s 161 Cr.P.C.

Stated that I am resident of above noted address and agriculturist, Ex. Sarpanch of the village. Today I was present in my field. Balbir son of Bodhan caste Chamar resident of village Bagarheri, Chiterkut, Mohan son of Sita Ram resident of Khoh Tehsil Karvi and Meena wife of Balbir caste Chamar resident of village Bagarheri, Chiterkut Labours of Sayam Brick Saanga Road, Bhiwani came to me and told that on 27.01.2014 we together had murdered Ved Parkash, the owner of Brick Kiln in the mustard field by strangulation. Police came to know about the matter. We all three are going to our native village. They can be apprehended from bus stand or railway station if barricade (Nakkabandi). Statement written down read out and accept correct.

CIA Staff, Bhiwani, 18.03.2014.”

A perusal of the statement would reveal that Balbir, Mohan and Meena doing labour work at Sham Brick Kiln had confessed before Ex-Sarpanch Shri Bhagwan that they had together murdered Ved Parkash. Even in such statement recorded on 18.3.2014 name of the present petitioner did not figure. Thereafter, the confessional statements of the

afore-noticed three persons namely Balbir, Mohan and Meena were also recorded and as per which it was stated that Meena was in an illicit relationship with Ved Parkash (deceased) and Balbir to avenge such relationship had murdered Ved Parkash along with Mohan, Meena, Amrit and Rajwant.

In the narration of facts noticed herein above, the name of the present petitioner figured for the first time in the confessional statement recorded by the investigating agency of Balbir, Mohan and Meena. It may also be apposite to notice that Sanjay, who had been named as a suspect by the complainant Ram Prasad had been found to be innocent by the investigating agency.

The offence under section 302 I.P.C, if at all, made out against the present petitioner would be a moot question to be taken up during the course of trial.

The petitioner has been in custody since 20.3.2014. The trial would still take time to conclude inasmuch as out of 28 prosecution witnesses cited only 15 have been examined till date.

As such, without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, he is held entitled to the concession of bail. Petition, accordingly, is allowed.

Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Bhiwani.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

07.07.2015

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