

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

Criminal Misc.No.M-14190 of 2015

Date of Decision: September 11, 2015

Sukhbir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Sanjeev Sheokand, Advocate,
for the petitioner.

Mr.Kuldeep Tiwari, Addl.AG, Haryana.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Sukhbir, who has been booked for having committed the offences punishable under Sections 302, 308, 323, 341 and 452, IPC, in a case arising out of FIR No.154, dated 02.05.2014, registered at Police Station, Julana, District Jind.

Learned counsel contends that even if the whole case of the prosecution is taken at its face value then also the essential ingredients of the offences, for which the petitioner has been booked, are not attracted; only two circumstances i.e the motive and recovery of the bamboo stick, by which the petitioner alleged to have caused injuries to the deceased, was

recovered at his behest and except that, there is no other evidence to connect the petitioner with the alleged murder. He further explains that the bamboo stick, alleged to have been recovered on the disclosure statement of the petitioner, was sent to the Forensic Science Laboratory reveals that the blood found on the said bamboo stick did not match with the blood of the deceased since it was inconclusive. So far as motive is concerned, the only thing which has emerged is that 4/5 months back, Jasbir Singh (since deceased) quarrelled with the petitioner and the same is not sufficient to conclude that the petitioner had committed the murder of Jasbir Singh (since deceased). He also points out that as many as 13 witnesses have been examined and their depositions would not connect the petitioner with the murder of Jasbir Singh. He also points out that the petitioner is behind the bars from 07.05.2014 and his further incarceration would not be of any consequence since the prosecution does not require his presence any more.

Learned counsel for the State, on instructions from ASI Parveen Kumar, Police Station, Julana, District Jind, has not controverted the factual aspects raised by learned counsel for the petitioner. However, he submits that out of 20, 13 prosecution witnesses have been examined and the prosecution would complete its case in near future.

After hearing learned counsel for the parties, this Court considers that in view of the submissions raised by learned counsel for the petitioner, the present petition is accepted.

Petitioner-Sukhbir, s/o Bani Singh, r/o village Lajwana Khurd, Police Station, Julana, District Jind, now confined in District Jail, Jind, is directed to be released on bail during pendency of trial of the present case, subject to his furnishing bail bond in the sum of ₹1,00,000/- (Rupees one lac only) with two sureties in the like amount to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Jind.

September 11,2015
seema

(Naresh Kumar Sanghi)
Judge