

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-17199 of 2015 (O&M)
Date of Decision: 29.6.2015

Jitender

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Akashdeep Singh, Advocate for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. seeking the concession of regular bail to the petitioner in case FIR No.162 dated 31.05.2014, under Sections 302/201/34 IPC, registered at Police Station Shivaji Colony, District Rohtak.

Counsel for the parties have been heard.

Deceased in the present case is Nitin. FIR was lodged at the instance of the father of deceased, namely, Prem Chand. It was stated that deceased used to sit in the shop of his father and on 30.05.2014 after closing the shop, some friends of deceased-Nitin, namely, Arun, Anuj, Gurmeet as also the present petitioner Jitender, who earlier also used to visit the shop had come and had taken Nitin along with them. Prem Chand, father of the deceased has stated that his son had financial dealings with these friends and accordingly, Nitin had proceeded so as to take back some money. Nitin is stated to have not come back the whole night and information was received with regard to the dead body of Nitin

having been found in a pond on Jhajjar road. Upon receiving the dead body, one solitary injury on the backside of the head of deceased was noticed. As such, allegations were that the afore noticed four friends of Nitin including the present petitioner killed him and thereafter with the objective to destroy the evidence had put the body in the pond.

The petitioner was arrested on 03.06.2014.

Counsel for the petitioner has adverted to a disclosure statement of co-accused, Gurmeet and placed on record at Annexure P-2 and as per which also there was some financial dispute between Nitin and Gurmeet and towards settling such grudge a conspiracy had been made by the friends and Nitin was killed by a brick blow on the back of the head by Gurmeet himself. Such disclosure statement was suffered on 03.06.2014 after the arrest of Gurmeet on 02.06.2014.

It is a case of no eye witness and the only evidence against the petitioner is of having allegedly being last seen with the deceased.

It would also be apposite to take note of the document placed on record at Annexure P-3 i.e. the site plan of occurrence prepared on 31.05.2014 and in which mark 'B' is shown to be the place where deceased Nitin has been killed by inflicting injury with stone (brick). Such site plan of occurrence prepared by the Investigating Agency does not inspire confidence inasmuch the version of the friends drinking together and a brick blow having been inflicted upon Nitin surfaced for the first time in the disclosure statement made by co-accused Gurmeet only on 03.06.2014 whereas site plan is dated 31.05.2014.

Investigation in the present case having been completed, challan was presented and even charges have been framed on 27.10.2014. Learned State counsel would further apprise the Court that out of 16 prosecution witnesses, only 2 have been examined till date. The trial, as such, would take time to conclude.

It has also gone uncontroverted that co-accused namely Anuj and Arun have been granted the benefit of regular bail by this Court in CRM Nos. M-4188 of 2015 and M-15484 of 2015.

It is not even the case made out on behalf of the State that if the petitioner is released on bail, he would be in position to hamper the course of trial.

In the totality of circumstances, the petitioner is held entitled to the benefit of bail.

Accordingly, prayer is allowed.

Petitioner, namely, Jitender be enlarged on bail subject to the satisfaction of trial Court/Duty Magistrate, Rohtak.

It is, however, made clear that the observations contained in this order are confined only as regards examining and considering the prayer of the petitioner seeking benefit of regular bail pending trial and would have no bearing on the trial proceedings.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

29.06.2015
lucky