

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

**CRM No.M-18718 of 2015
Date of decision: 21.08.2015**

Akhilesh

....Petitioner

Versus

State of Haryana

....Respondent

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

Present: Mr. Sanjay Vashisth, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

TEJINDER SINGH DHINDSA J. (Oral)

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. seeking the benefit of regular bail to the petitioner pending trial in case FIR No.207 dated 03.06.2012, under Sections 365/406 IPC (subsequently converted to Sections 202, 302, 365, 406 IPC) registered at Police Station Sampla, District Rohtak.

The uncontroverted facts that have emerged during the course of arguments are that process of law was set in motion on the statement of Sunil. It has been stated that Darshan i.e. brother of Sunil was working as a driver on a tractor belonging to Rahul and had proceeded to Nangloi from Sampla on 31.05.2012 at 06:00 a.m.

in the morning and thereafter had gone missing. Initially the FIR was lodged under Sections 365, 406 IPC at Police Station Sampla, District Rohtak.

The dead body of the deceased Darshan was thereafter found on 01.06.2012 at Mangolpuri, Delhi and accordingly, Section 302 IPC was added. It so transpires that in the mobile of the deceased, SIM No.09927275023 was found inserted and which was found in the name of one Atul Sirohi.

Insofar as the present petitioner is concerned, he is sought to be implicated on the disclosure statement of co-accused Atul Sirohi, who has allegedly deposed that it was Monu and the present petitioner, who had given some poisonous substance to Darshan and had disposed of the body at Mangolpuri. Such disclosure statement of Atul Sirohi, however, does not attribute any motive to the petitioner in the alleged crime.

The petitioner was arrested on 12.12.2012.

Learned State Counsel, upon instructions from SI Arvind Dahiya, would apprise the Court that out of 21 prosecution witnesses cited, only 14 have been examined till date. The trial as such would take time to conclude.

Without making any observations on the merits of the case and keeping in view the length of incarceration already suffered by the petitioner, this Court is of the considered view that a case for bail is made out.

Present petition is, accordingly, allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court.

Disposed of.

21.08.2015
yakub

(TEJINDER SINGH DHINDSA)
JUDGE