

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

CRM-M No.21952 of 2015

Date of decision: 31st July, 2015

Deepak @ Khillu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Preetinder S. Ahluwalia, Advocate
for the petitioner.

Mr. Deepak Sabharwal, Addl. Advocate General, Haryana.

FATEH DEEP SINGH, J.

In this third petition filed under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.252 dated 03.09.2012 registered at Police Station Beri, District Jhajjar under Sections 302/364/201/216/218/34 IPC, the allegations against the petitioner Deepak alias Khillu are that on 28.08.2012 deceased Davinder alias Monu, who left his home along with his friends, did not return back leading to the registration of the case on 03.09.2012. It is during the course of investigations on arrest of the co-accused Ankit @ Monu who made a confession nominating name of the present petitioner as one of the culprits.

The contentions of learned counsel for the petitioner, Mr.Preetinder Singh Ahluwalia, Advocate that the post-mort

examination of an unidentified dead body recovered on 30.08.2012 purported to be of the deceased do not as per the Post Mortem Report bear any bullet injuries when the entire evidence against the petitioner is that on the basis of his disclosure statement the alleged weapon of offence was recovered by which the deceased was shot dead and that the similarly placed co-accused of the petitioner have been allowed bail by this Court through separate orders dated 04.11.2014 passed by this Court in CRM-M No.24745 of 2014 and CRM-M No.18390 of 2014.

Though on behalf of the State, Mr.Deepak Sabharwal, Additional Advocate General, Haryana has sought to oppose the bail on the grounds that the trial is likely to be concluded within a few months and heinousness of the offence does not calls for the bail.

Appreciating these submissions, the apparent disparity that has crept-up in the ocular version and the medical record, and without feeling necessity to advert on to the merits of the case together with the fact that similarly placed co-accused have been allowed bail by this Court and in view of principle of parity, and when the petitioner is in custody since 11.09.2012, impels this Court to allow bail to the present petitioner. Accordingly, he is ordered to be released on regular bail to the satisfaction of the trial Court/Duty Magistrate.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

July 31, 2015
rps