

**In the High Court of Punjab and Haryana
at Chandigarh**

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Date of Decision: 16.02.2015

CRM M 22734 of 2014

Satpal alias Happu

---Petitioner

versus

The State of Haryana

---Respondent

CRM M 40646 of 2014

Udham alias Bhartri

---Petitioner

versus

The State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Bijedner Dhankar, Advocate for
Mr. Sudhir Hooda, Advocate
for the petitioner (CRM M 22734 of 2014)
Mr. Gaurav Sharma, Advocate
for the petitioner (CRM M 40646 of 2014)

Mr. Rajesh Gaur, Additional AG Haryana
for the respondent-State

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

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REKHA MITTAL, J. (Oral)

This order shall dispose of aforementioned petitions as these are the offshoot of FIR No. 337 dated 01.09.2013 for offence punishable under Sections 364, 302, 201 and 149 of the Indian Penal Code and Section 25 of the Arms Act registered in Police Station City Sonipat, Haryana.

Counsel for the petitioners contends that the instant FIR has been lodged in the year 2013 in regard to occurrence allegedly took place in the year 2010. It is further submitted that dead body of husband of the complainant has not been recovered till date and cause of his death is not

known. The complainant has not disclosed source from where she learnt after an inordinate delay that her husband was kidnapped and killed by the persons nominated as accused in the first information report. Satpal alias Happu is in custody since 01.11.2013 and Udham alias Bhartri is in custody since 12.11.2013 and conclusion of trial is likely to take its own time.

With regard to criminal cases registered against Udham alias Bhartri, counsel has submitted that in view of status report, the petitioner has been acquitted in most of the cases which culminated in conclusion of trial. In FIR No. 154 dated 01.07.2004, mentioned at serial No. 1 of the table incorporated in para 3 of status report, the petitioner was convicted by the trial Court but his appeal has been accepted by this Court. There are only two other criminal cases pending against the petitioner which are entirely of different nature. It is further argued that the petitioner is sought to be indicted in the crime on the basis of disclosure statement made by one of the co-accused during his police custody.

Counsel for the State of Haryana has fairly conceded that during investigation, evidence against the petitioner is disclosure made by the co-accused.

I have heard counsel for the parties and perused the records.

Without meaning to express any opinion on merits of the controversy, bail to petitioners Satpal alias Happu and Udham alias Bhartri on their furnishing personal/surety bonds subject to satisfaction of the learned trial Court. However, they shall abide by the following conditions:-

- (i) they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) they shall not leave India without the previous permission of the Court.

Xerox copy of the order be placed on the connected file.

(REKHA MITTAL)
JUDGE

16.02.2015

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