IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No.23743 of 2015 (O&M)

Date of Decision: 28.09.2015

Mukesh

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Kulvir Narwal, Advocate for the petitioner.

Mr. M.S.Sidhu, Additional Advocate General, Haryana for the respondent along with ASI Azad Singh.

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JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail in case FIR No.219 dated 11.05.2014, under Sections 302, 201 of the Indian Penal Code, registered with Police Station Sadar, Rohtak.

The brother-Ashok of the deceased-Ravinder @ Tiger has lodged the aforesaid FIR with the allegations that on 10.05.2014 at around 9:30 PM, his brother-Ravinder informed him that he was going to sleep in the house, situated within the Village, and on the next date i.e. 11.05.2014 at 7:00 AM, his half burnt body was recovered from the outskirts of the Village. The FIR was lodged against the unknown persons. During investigation, the statement of the mother-Roshni of the deceased was recorded on 11.05.2014, wherein she introduced the aspect of last seen with the present petitioner and co-accused Vicky, who are stated to be friends of the deceased.

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The allegation is that the petitioner/accused had called deceased-Ravinder from the house. There is another witness of last seen, namely, Sunil, who has seen them together at around 10:30 PM at Bus Stand of the Village.

Learned Counsel for the petitioner states that Smt. Roshni, PW-4 (mother of the deceased), in her cross examination specifically conceded that she met the police after 11.05.2014 thereby indicating antedating of her statement under Section 161 Cr.P.C. and thereby raising doubts about involvement of the petitioner and co-accused. He further contends that the material witnesses have since been examined and in the case based on circumstantial evidence, only formal witnesses remain to be examined.

The petitioner is stated to be in custody since 13.05.2014.

Learned State Counsel, on instructions from ASI Azad Singh concedes that out of total 21 prosecution witnesses, 09 witnesses including material witnesses have since been examined. He does not controvert the cross-examination of Smt. Roshni.

Without commenting upon the merits of the case, keeping in view the custody period and the fact that the material witnesses have been examined and there are no chances of influencing the witnesses, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Rohtak.

Disposed of.

September 28, 2015 **(JASWANT SINGH)**
Gagan **JUDGE**

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