

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-26291-2015 (O&M)

Date of Decision: August 21, 2015

Raj Kamal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Ravinder Malik, Advocate,
for the petitioner.

Mr. Kuldeep Tiwari, Addl.A.G., Haryana.

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

NARESH KUMAR SANGHI, J.(ORAL)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of bail to the petitioner, Raj Kamal, who has been booked for having committed the offences punishable under Sections 201 and 302 read with Section 34, IPC, in a case arising out of FIR No. 229 dated 07.07.2013, registered at Police Station Sampla, District Rohtak.

Learned counsel contends that except the disclosure statement in the shape of confession of the co-accused of the petitioner, there is no other material to connect him with the murder of Anil; out of 31 prosecution witnesses, 28 witnesses have been examined and only the police personnels remain to be examined; the

motive to commit the murder was on Amit, the co-accused of the petitioner; as per prosecution version, Anil (since deceased) was strangled by Amit and that the petitioner is behind the bars from 11.09.2013, therefore, his further incarceration would be futile.

Though the learned counsel for the State on instructions from ASI Hari Om of Police Station Sampla has not controverted the above submissions made by counsel for the petitioner, yet he submitted that the car allegedly used at the time of strangulation of Anil, was of the petitioner and the same was recovered at his behest.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

Even if the circumstances, namely, disclosure statement of the co-accused of the petitioner naming the petitioner as one of his accomplices, as well as the recovery of the car used at the time of the commission of the crime are taken as it is, then also it would be a moot point during trial as to whether those circumstances are sufficient to connect the petitioner with the alleged murder of Anil. During the arguments, the learned counsel for the State has pointed out that the witness who had seen the deceased in the company of the petitioner and his co-accused has turned hostile qua the petitioner.

In view of the totality of the circumstances of the case, the present petition is allowed. Petitioner Raj Kamal, son of Preet Singh, resident of Prem Nagar, Rohtak is ordered to be released on bail during the pendency of the trial of the present case, subject to his furnishing bail bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Rohtak.

August 21, 2015
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(NARESH KUMAR SANGHI)
JUDGE