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

CRM-M-30824 of 2015

Date of Decision: October 16, 2015.

Sunil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sudhir Hooda, Advocate
for the petitioner.

Ms. Trishanjali Sharma, AAG Haryana.

SABINA, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in FIR No.65 dated 08.02.2014, under Section 302 of Indian Penal Code, 1860 ('IPC' for short) read with Section 34 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Sampla, District Rohtak.

Prosecution story, in brief, is that on 08.02.2014 at about 6:00 AM, when Krishan reached the fields to serve tea to Ombir, he found that Ombir was lying dead in a pool of blood. FIR in question was registered against unknown persons. During investigation, co-accused Karamvir was arrested. On the basis of disclosure statement suffered by co-accused Karamvir, petitioner was also nominated as an accused.

Learned counsel for the petitioner has submitted that as per the prosecution case, one empty purse and photocopy of the driving licence of the deceased were recovered from the petitioner on the basis of his disclosure statement. However, complainant while appearing in the

witness box as PW 3 has stated that the driving licence and the black colour purse of the deceased were taken in possession by the police from the pocket of the deceased. PW4 Mukesh before whom petitioner and his co-accused had suffered extra judicial confession has not supported the prosecution case during trial. Similarly PW5 Monu had not supported the prosecution case.

Learned State counsel, on the other hand has opposed the petition.

Petitioner is in custody since 26.02.2014. Complainant while appearing in the witness box as PW3 has deposed that the driving licence and the black colour purse of the deceased were taken in possession by the police from the pocket of the deceased. The person before whom, petitioner had allegedly suffered extra judicial confession, namely Mukesh PW4 has not supported the prosecution case during trial. PW5 Monu has also not supported the prosecution case qua any altercation between the petitioner and the deceased. It is a case of blind murder. Petitioner was named as an accused on the basis of disclosure statement suffered by his co-accused Karamvir.

Keeping in view the above facts, it would be just and expedient to order the released of the petitioner on bail.

Accordingly, without expressing any opinion on merits on the case, this petition is allowed. Petitioner be admitted to bail, subject to the satisfaction of the Chief Judicial Magistrate, Rohtak.

(SABINA)
JUDGE

October 16, 2015
mahavir