

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

**CRM-M No. 3605 of 2015.
Date of Decision : 20.03.2015.**

Ajay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Surender Gaur, Advocate for the petitioner.

Mr. Satish Saini, Deputy Advocate General, Haryana.

Tejinder Singh Dhindsa, J. (Oral)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking the benefit of regular bail to the petitioner in FIR No. 426 dated 25.11.2013, under Sections 302, 301, 34 IPC and Section 3 of the SC/ST Act, registered at Police Station Sadar Rohtak, District Rohtak.

Counsel for the parties have been heard.

The deceased in the present case is Parmod. The FIR was registered on the statement of his father, namely, Ramsaran Lal. As per version of the complainant, his son (deceased) Parmod was working with Rajmal and on 09.10.2013 he had gone for work. On 21.11.2013 he had received a telephone call from Rajmal to the effect that his son Parmod was missing. Thereafter a missing report had been lodged with the police. Thereafter a call had been received from Police Station Sadar, Rohtak as regards a dead body having been found in the waste water channel and which the complainant had identified to be that of his son, namely, Parmod.

The present petitioner has been implicated on the statement of co-accused Kuldeep who had been arrested by the police

in another case i.e. FIR No. 152 dated 31.3.2014, under Section 25 of the Arms Act, registered at Police Station Sadar, Rohtak. As per such disclosure statement, the dead body of Parmod had been carried on the motorcycle of the petitioner bearing Registration No. HR-12D/2836 and thereafter was disposed of in the waste water channel.

Counsel for the petitioner has adverted to the statement of prosecution witness, namely, Narender (PW4) and placed on record at Annexure P-1 and as per which Narender has stated to be the owner of the motorcycle in question and has further deposed that the police took away the motorcycle from his house. As such PW4 Narender has not supported the prosecution version.

The petitioner has been in custody since 01.04.2014.

Learned State counsel upon instructions from SI Ramesh Chander would apprise the Court that out of 26 prosecution witnesses cited, only 7 have been examined till date. The trial as such would take time to conclude.

In the totality of circumstances and keeping in view the length of incarceration already suffered by the petitioner and without making any observation on merits, the petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of the CJM/Duty Magistrate, Rohtak.

Disposed of.

March 20, 2015.
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(TEJINDER SINGH DHINDSA)
JUDGE