

CRM-M-36710-2015

[1]

In the High Court of Punjab and Haryana at Chandigarh.

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Date of Decision: 04.11.2015

Sumit Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. M.S. Rana, Advocate,
for the petitioner.

Ms. Mahima, AAG, Haryana.

SABINA, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.123, dated 06.03.2015, under Sections 302 and 34 of the Indian Penal Code, 1860, registered at Police Station Sadar Rohtak, District Rohtak.

Learned counsel for the petitioner has submitted that as per the FIR deceased Naveen, son of the complainant, had been murdered by some unknown persons. However, later the complainant made a statement that she had last seen the deceased in the company of the petitioner and his co-accused. Apart from this the only material available against the petitioner was the statement of his co-accused recorded during investigation while he was in police custody. As per the said

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statement also petitioner had stated that they should not quarrel on the day of Holi festival. However, it was further alleged that the petitioner had also given slaps to the deceased.

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

In the present case a perusal of the FIR reveals that initially the mother of the deceased had stated that her son had been killed by some unknown persons. At a later stage, complainant made a statement that she had last seen her son in the company of the petitioner and his co-accused. Apart from this, the only incriminating material against the petitioner is the statement of his co-accused recorded during police custody. Petitioner is in custody since 18.03.2015. Challan has already been presented in the Court. Conclusion of trial may take time.

In the facts and circumstances of the present case, it would be just and expedient to order the release of the petitioner on bail.

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

November 04, 2015
kapil

(SABINA)
JUDGE