

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

**CRM No.M-4462 of 2015 (O&M)
Date of Decision: 24.03.2015**

Chand Singh

.....Petitioner

Versus

State of Haryana.

.....Respondent

CORAM: HONBLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sushil Jain, Advocate for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana.

RAJ MOHAN SINGH J. (ORAL)

Petitioner seeks regular bail in case bearing FIR No.130 dated 11.06.2013 under Sections 449, 302, 120-B and 34 IPC and Section 25/54/59 of the Arms Act, 1959, Police Station Gohana Sadar, District Sonipat.

The aforesaid FIR came to be registered on the statement of the complainant-Jaipal. The complainant stated that he is serving as Driver in a private company and was away from his house for about 15 days. He has two daughters namely Mamta and Jyoti. Mamta was married to Sushil about 10 months ago and she had come to her parental house to meet the family. On 11.06.2013 at about 7:00 PM, younger daughter Jyoti informed him on telephone that Mamta has been shot at in the house and she has expired. Complainant reached home and saw the dead body of his daughter. Complainant named two persons, namely, Mahabir and Sultan as accused on the basis of some past history.

Learned counsel for the petitioner states that the petitioner was

implicated on the basis of alleged extra judicial confession having been made by the petitioner before Dharmpal, Sarpanch, who has been examined as PW4 on 15.06.2014 and he has not supported the prosecution case in any manner. He has been resiled from his earlier version by deposing that no such statement was made by him to the police. The witness was cross-examined but nothing incriminating could come on record. He has refused to identify the petitioner. Learned counsel further states that maternal uncle of the deceased has also been examined as PW1, who has also not supported the case of prosecution inasmuch as that he denied having made statement to the police in the manner as suggested by the prosecution. This witness was also cross-examined and nothing come against the petitioner. Again the complainant has also been examined as PW2 and he has also not supported the prosecution version. The witness was cross-examined at some length, but the deposition of this witness is also conspicuous about the complicity of the present petitioner. Statement of husband of the deceased was also recorded and he was also declared hostile.

Learned counsel for the State, on instructions from ASI Subhash Chand, states that statement of mother of the deceased, namely, Sheela was recorded on the day of occurrence and she has implicated the petitioner. Learned State counsel further relied upon the report of FSL, wherein the weapon allegedly recovered from the petitioner has the matching configuration.

Learned counsel for the petitioner further states that the statement of Sheela is allegedly shown to have been recorded on the date of occurrence. It is not understandable as to who prevented the complainant from consulting his wife before making statement to the police, particularly,

when the FIR shows that the statement of the complainant came to be recorded after due consultation with the family members as well as with residents of village. Learned counsel further states that all the alleged recovery is tented and at this stage no reliance can be placed in view of attending circumstances of the case. The recovery is shown to have been effected in the presence of only official witnesses. The petitioner is stated to be in custody since 21.06.2013. Out of total 24 witnesses only 4 prosecution witnesses have been examined so far and they have resiled from their earlier version. In view of aforesaid, without adverting to the merit of the case, the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the CJM, Sonapat.

Disposed of.

Nothing expressed hereinabove would be construed to be an expression of any opinion on the merits of the case.

24.03.2015

Bhumika

**(RAJ MOHAN SINGH)
JUDGE**