

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 5577 of 2015 (O&M)
Date of decision : February 25, 2015

Virender @ Binder,

..... Petitioner

v.

State of Haryana,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. KS Chahal, Advocate
for the petitioner.

Mr. RK Makkar, DAG Haryana

1. **Whether Reporters of Local Newspapers 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 ?**

Ajay Tewari, J (Oral)

The petitioner seeks grant of regular bail in case FIR No. 247, dated 30.7.2013, registered under Section 302/34 of the IPC, at Police Station Meham, District Rohtak.

The allegations were that body of the deceased was discovered on 14.7.2013 and the FIR was lodged on 30.7.2013. One of the material averments was that there was rivalry between the deceased and the petitioner over a woman and even a year prior to the occurrence, the main accused Bhil @ Karambir asked the complainant to stop his brother (deceased) to see the woman in question and on the fateful day, another brother of the deceased had seen the deceased in the company of the

petitioner and other co-accused.

Counsel for the petitioner has argued that in these circumstances, delay of 15 days in the registration of the FIR assumes great significance because as per the FIR, there was a cause of suspicion and evidence of last seen together by the brother of the deceased. Apart therefrom, counsel for the petitioner has argued that the petitioner has now been in custody for almost one year and eight months and that only 10 out of 21 witnesses have been examined so far. As per him, custody of the petitioner has now become punitive.

Counsel for the respondent has argued that the main witness i.e Bijender @ Bholu (of last seen together) has been summoned for 19.3.2015 and it would be appropriate to await the said outcome.

Counsel for the petitioner has, however, pointed out that Bholu has not appeared in the Court despite earlier opportunities and in fact bailable warrants have been issued for 19.3.2015 and there is no likelihood that he will appear on the said date just to keep the petitioner and other co-accused in jail indefinitely.

In these circumstances, in my considered opinion, it would be appropriate if the petitioner is released on bail to the satisfaction of the trial Court on 19.3.2015 unless it is shown that he has obstructed the main witness from appearing in the Court. Ordered accordingly.

Petition stands disposed of.

(AJAY TEWARI)
JUDGE

February 25, 2015
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