

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

***CRM No.M-10782 of 2016 (O&M)
Date of Decision : 20.05.2016***

Ayub Khan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Lajpat Sharma, Advocate for
Ms. Garima Sharma, Advocate for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.641 dated 25.11.2014, under Sections 364, 302, 201, 202/34 of Indian Penal Code and Section 25/54/59 of the Arms Act, registered at Police Station Sadar Dadri, District Bhiwani.

Allegations are with regard to Deepak Son of Roshni Devi having proceeded in a Fortuner Car on 31.05.2014 along with Vishnu Giri and Sunil @ Munna and thereafter having gone missing.

The name of the present petitioner did not even figure in the initial statement given by Roshni Devi. Vishnu Giri and Sunil @ Munna who were already confined in Churu Jail, their production warrants were got issued and thereafter their disclosure statements were recorded on 19.12.2014.

The present petitioner is sought to be implicated on the basis of disclosure statement of co-accused Sunil @ Munna. Even as per disclosure statement, Sunil @ Munna is stated to have fired from his country made

pistol at Deepak, Vishnu Giri is stated to have given an injury on the head at Deepak with a danda and the present petitioner has been attributed the role of having pressed the throat of Deepak.

Present petitioner has been in custody since 29.12.2014.

It has gone uncontroverted that neither the firearm nor the dead body of Deepak has been recovered till date.

In view of the facts and circumstances noticed here-inabove and coupled with the length of incarceration already suffered and without making any observations on merit, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Bhiwani.

Disposed of.

20.05.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**