

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

***CRM No.M-12427 of 2016 (O&M)
Date of Decision:20.05.2016***

Shalu @ Sonu

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Surender Deswal, Advocate for the petitioner.
Mr. Vivek Saini, DAG, Haryana.
....

TEJINDER SINGH DHINDSA.J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.534, dated 30.09.2015, under Sections 460/109 IPC, registered at Police Station Gharaunda, District Karnal.

Counsel for the parties have been heard.

FIR came to be registered on the complaint of Manoj Kumar. Deceased is Om Parkash i.e. father of the complainant. Complainant asserted that on 29.09.2015 at about 7 P.M., Jai Bhagwan @ Babli employed as a Driver had parked their tractor within the residential premises and has handed over the keys to Om Parkash (since deceased). On the following day, complainant noticed that Om Parkash was lying dead with oozing blood from the mouth, nose, ear and head. The tractor was also found to be missing.

It has gone uncontroverted that during the course of investigation, Ravi and Sachin Tomar were found to be involved in the case.

Insofar as the present petitioner is concerned, he is sought to be implicated on the basis of disclosure statements of two aforenoticed.

Counsel appearing for the petitioner has adverted to the

disclosure statement of Ravi Kumar co-accused and placed on record at Annexure P-2. Perusal of the same would reveal that even though Ravi Kumar has admitted his complicity as also commission of the offence of having killed Om Parkash along with Sachin Tomar for the purpose of stealing the tractor but the role attributed to the present petitioner is that after having committed the murder and having stolen the tractor, they had placed a telephonic call to Shalu @ Sonu/present petitioner and asked him for directions towards Saharanpur and who had declined to reveal the same and had thereafter switched off the mobile.

The precise contention raised by counsel is that even if such disclosure statement was to be read in evidence and taken to be gospel truth still there was no role assigned to the present petitioner with regard to murder of Om Parkash.

Petitioner has been in custody since 11.10.2015.

In the trial that has ensued, out of 20 prosecution witnesses cited, 6 have been examined and 5 have been given up.

The trial would take sometime to conclude.

In view of the above, the petitioner is held entitled to the benefit of bail.

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

It is, however, made clear that the observations contained in this order are confined only as regards considering the prayer of the petitioner for grant of bail and would have no bearings on the merits of the case.

Disposed of.

20.05.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**