

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

**CRM No. M-15554 of 2016 (O&M)
Date of Decision: 11.05.2016**

Rajender Singh

...Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. P.S.Ahluwalia, Advocate,
for the petitioner.

Mr. A.K.Chaudhary, Additional A.G.Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.472 dated 27.07.2015, registered at Police Station Sadar Fatehabad for offence punishable under Sections 302, 201, 203, 120-B, 34 of the Indian Penal Code.

Counsel for the parties have been heard.

FIR came to be registered on 27.07.2015 for offences punishable under Sections 279, 304-A IPC on the statement of Kuldeep Singh regarding the death of his father, namely, Onkar.

Kuldeep Singh stated that his father Onkar had died in a motor vehicle accident.

It so transpires that after a period of four days, statement of Ajay Kumar son of Ram Prasad was recorded under Section 161 Cr.P.C. wherein he claimed that complainant Kuldeep Singh had

suffered an extra judicial confession before him that he along with the present petitioner had killed the deceased. It is on the basis of the statement made by Ajay that offences under Sections 302, 201, 203 and 120-B IPC were added by the Investigating Agency.

Petitioner was, accordingly, arrested on 03.08.2015.

Counsel appearing for the petitioner has referred to the deposition of Ajay examined as PW-4 before the trial Court and placed on record as Annexure P-3 and wherein he has not supported the prosecution story. In his deposition, Ajay has categorically denied the factum of Kuldeep Singh having suffered any extra judicial confession before him.

Even brother of the deceased, namely, Ramesh has been examined before the trial Court as PW-5 and who has stated that his brother had died in a road side accident.

Learned State counsel has apprised the Court that out of 25 prosecution witnesses cited only 11 have been examined till date.

The trial as such would take time to conclude.

In view of the above and coupled with the length of incarceration already suffered, 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, Fatehabad.

Disposed of.

11.05.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE