

259 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.17385 of 2016 (O&M)
Date of Decision : 08.07.2016

Jaibir

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. G.S.Shahpuri, Advocate
for the petitioner.

Mr. Sandeep Vashisht, DAG, Haryana.

1. Whether Reporters of local papers 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)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.122 dated 30.05.2015 registered under Sections 201/364/302/365/34 IPC at Police Station Bawal, District Rewari.

The allegations are that the petitioner and co-accused kidnapped the deceased and murdered him.

Learned counsel for the petitioner has argued that the only evidence which has come against the petitioner is the disclosure statement

of the co-accused and as per that disclosure statement it was the co-accused who had enmity with the deceased and it was he who had given the blows to the deceased and at the most the allegation against the petitioner is of having accompanied the co-accused (apart from that no evidence has come). He further pointed out that on 24.05.2016 this Court had directed the prosecution to examine PWs Suraj Bhan and Arun Kumar by **27.05.2016** positively and produce the copies of their examination before this Court but even that has not been done. The petitioner has been in custody since 01.06.2015. Learned Deputy Advocate General on instructions from HC Raj Kumar has accepted these factual assertions.

Keeping in view the period of custody already suffered by the petitioner, without going into the merits of the case, I do not deem it appropriate to deny him the concession of bail.

Bail to the satisfaction of the trial Court/Duty Magistrate, Rewari.

Petition stands disposed of.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

July 08, 2016
pooja sharma-I