

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

**CRM-M No.1766 of 2016 (O&M)
Date of Decision: 26.02.2016**

Meenu Sharma

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Gurbhajneek Singh Samra, Advocate for the petitioner.

Ms. Manjari Nehru Kaul, Additional Advocate General, Punjab
for the respondent/State assisted by H.C. Nirmaljit Singh.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Meenu Sharma in case FIR No.96 dated 17.08.2013, under Sections 302/34 of the Indian Penal Code, registered with Police Station Nehianwala, District Bathinda (**Annexure P-1**).

The case of the prosecution is based on circumstantial evidence.

As per the statement of the complainant-Baldev Raj, his son-Ramandeep Sharma left the home at 07:30 PM on 16.08.2013 on his Platina motorcycle. When he did not return, on the next day he was told by Jaskaran Singh @ Jassa Singh that his son-Ramandeep Sharma was last seen with co-accused Nanak Chand on the late evening of 16.08.2013 by him. The name of the petitioner-accused has surfaced in the supplementary statement of the complainant-Baldev Raj recorded on 18.08.2013, wherein he states that the main accused-Nanak Chand along with the present petitioner-Meenu Sharma and two other relatives were involved in committing the murder of his son.

The petitioner was arrested on 22.08.2013 and on two separate disclosure statements, a recovery of *Kirpan*, the alleged weapon of offence and motorcycle make Platina bearing registration No.PB-03-AD-0664 were effected.

Learned Counsel for the petitioner submits that the *Kirpan* recovered is a rusty one and without blood stains and even the recovery is from the open field and, therefore, is not sufficient to connect the petitioner with the offence. Second recovery of motorcycle, which is allegedly use to reach at the spot/get away from the spot and the same is registered in the name of petitioner's father. He further submits that petitioner has been falsely implicated in the present case as he is the *Bhanja* of the co-accused-Nanak Chand.

Learned Counsel for the petitioner further submits that except the disclosure statement leading to recovery of rusty *Kirpan*, there is no other incriminating material available with the prosecution against the petitioner, therefore, no case is made out against the petitioner. He further states that the petitioner is in custody since 22.08.2013 and the prosecution evidence is over. Petitioner is stated to be not involved in any other criminal case.

Learned State Counsel, assisted by H.C. Nirmaljit Singh, is unable to refute the aforesaid factual situation.

Without commenting on the merits of the case, keeping in view the role attributed to the petitioner, custody period and the facts as noticed above, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

February 26, 2016

Gagan

**(JASWANT SINGH)
JUDGE**