

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

CRM M-24489 of 2016

Date of Decision : July 28, 2016

Vikash

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. Aman Pal, Advocate

Mr. Ashok. S. Chaudhary, Addl. A.G., Haryana.

T.P.S. MANN, J. (Oral)

This is the fourth petition filed by the petitioner for grant of bail, the first three having been dismissed as withdrawn on 18.7.2012, 7.7.2014 and 12.8.2015 respectively.

The petitioner is facing trial in case FIR No. 81 dated 14.2.2009 under Sections 302/202/34 IPC and Section 25 of the Arms Act registered at Police Station Urban Estate, Rohtak.

Learned counsel for the petitioner has submitted that subsequent to the registration of the FIR, the petitioner was joined in the investigation. He was also subjected to polygraph test which showed that he was not connected with the commission of the crime. For that reason, he was not arrested

for a period of 2½ years. It is also submitted that apart from Sree Om @ Dheela whom the prosecution examined as one of its witness, no other witness has testified against him. Said Sree Om @ Dheela had testified that the petitioner made extra judicial confession before him that he had murdered Devinder and Naveen at Rohtak because Devinder was having love affair with his sister Suraj. It is submitted that the petitioner is in custody since 4.9.2011 and out of the twenty eight witnesses cited by the prosecution, only twenty two have been examined so far. Six more witnesses are yet to be examined. As the trial of the case is likely to take a long time, the petitioner may be granted the concession of bail.

Learned State counsel has vehemently opposed the prayer by submitting that Sree Om @ Dheela before whom the petitioner had made extra judicial confession was also subjected to polygraph test and his responses indicated that he was a truthful witness. Even Suraj, the sister of the petitioner, had admitted in her deposition before the trial Court that she had an affair with deceased-Devinder. It is also submitted that because of the prosecution moving an application under Section 311 Cr.P.C. for summoning three police officials, the trial was held up. However, the said application has now been allowed on 25.7.2016 and the trial stands adjourned to 2.8.2016.

Having heard learned counsel for the parties and keeping in view the fact that the petitioner is behind the bars for almost five years and the prosecution has yet to examine remaining six witnesses but without commenting on the merits of the case, this Court is of the view that no useful purpose will be served by keeping the petitioner behind the bars to await the conclusion of the trial.

Resultantly, the petition is accepted and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of Rs.1,00,000/- with two sureties in the like amount to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Rohtak.

July 28, 2016
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(T.P.S. MANN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No