

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 25324 of 2016
Date of decision: 9.8.2016

Shree Ram

Petitioner

vs.

State of Haryana

Respondent

Present: Mr. Bijender Dhankar, Advocate.
Mr. Vikas Malik, DAG, Haryana

M.M.S.BEDI,J.

The petitioner has been in custody since 5.6.2014. A period of two years has elapsed and the prosecution has examined 14 witnesses out of 29. The petitioner is accused of having murdered his real brother Raj Kumar. He has been involved in the case at the instance of wife of Raj Kumar, namely, Santosh, who was present in her parental house on the day of the occurrence and was informed by the petitioner that her husband had died. The FIR was registered alleging that there were differences between the family members, on account of which she suspected that her husband had been killed by the petitioner and her mother-in-law. The only evidence available on the police file is in the nature of disclosure statement of the petitioner and other co-accused that they had killed Raj Kumar as he used to talk to many other girls and was also keeping an eye on the wife of the petitioner. Some recoveries i.e. of an iron rod and shirt of the deceased were allegedly got affected by the petitioner as per provisions of 27 of the Evidence Act.

Without expression of any opinion on merits and taking into consideration the nature of the evidence available on the record; statement

of the complainant having already been recorded; chances of tampering with the evidence, at this stage, being remote, the petitioner can be granted the concession of bail.

The petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/ surety bonds to the satisfaction of the trial court.

Nothing said in this order will be taken as an expression of any opinion on merits of the case at the time of final adjudication of the case by the trial court.

August 9 ,2016
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No