

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

CRM-M No. 25856 of 2015 (O&M)

Date of Decision: 21.01.2016

Vikram alias Vicky

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Jitender Dhanda, Advocate for the petitioner.

Mr. Gaurav Dhir, DAG, Haryana
for the respondent/State assisted by SI Prem Singh.

Mr. Parminder Singh, Advocate for the complainant.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail on behalf of the petitioner in case FIR No. 13, dated 10.02.2015, for the offences punishable under Sections 302, 120-B, 34 of the Indian Penal Code, registered at Police Station Siwan, District Kaithal.

The petitioner/accused is the son of deceased-Papli, who was alleged to be a drunkard and bothersome person. The said Papli was found in injured condition having eleven injuries on 09.02.2015 at 7.00 a.m. and was removed to the hospital by complainant-Kala Ram and the younger brother of the present petitioner. Injured-Papli died on the next day i.e. 10.02.2015 and thereafter complainant-Kala Ram got recorded the aforesaid FIR with the allegations of the injured having been taken away by co-accused/non-applicant-Mohan on 08.02.2015 at around 4.00 p.m., who is none else than the maternal uncle (*Mama*) of the present petitioner.

The case of the prosecution is built on circumstantial evidence against the co-accused/non-applicant-Mohan, Vikram @ Vicky (petitioner herein) and the mother of the petitioner/wife of the

deceased, namely, Smt. Bohti Devi. The evidence against co-accused/non-applicant-Mohan is on the basis of last seen with the injured/deceased whereas the evidence against the accused/petitioner-Vikram @ Vicky on account of the disclosure statement of Mohan and a recovery of *Danda* and call details showing his presence in the area from where the injured was found. Co-accused/non-applicant-Bohti Devi has been nominated in the FIR as a conspirator on account of constantly harassed by the habits of the deceased-husband.

It is contended that except the alleged recovery of a *Danda* which does not contained any blood stains and the probable location of the petitioner in the area, there is no other legally admissible evidence on record against the present petitioner, who is none else than the son of the deceased. It is further submitted that the petitioner is 25 years' old boy and the entire evidence of the prosecution is over. The petitioner is stated to be in custody since 10.02.2015.

Learned State Counsel, assisted by SI Prem Singh sates that the case is now at the stage of recording of the statement of accused/petitioner under Section 313 Cr.P.C. and, therefore, no case for grant of bail is made out at this stage.

Without commenting on the merits of the case, keeping in view the custody period and young age of the petitioner; relationship of the petitioner with the deceased and the fact that the evidence of the prosecution is over, no useful purpose would be served by keeping the petitioner/accused in custody, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate, Kaithal.

January 21, 2016

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**(JASWANT SINGH)
JUDGE**