

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

CRM No.M-36950 of 2015 (O&M)

Date of decision : 01.04.2016

Dharambir

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. P.K. Hooda, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.133 dated 03.03.2015, under Sections 147/149/302/201/120-B IPC, registered at Police Station Samalkha, District Panipat.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Dharmender. Complainant had asserted that on 03.03.2015, he received information that a dead body was lying in the fields near Sheetla Mata Temple and upon proceeding on the spot along with his cousin, namely, Pardeep, complainant discovered the dead body of his brother, Surender. It is further stated that an attempt had been made to burn the body. Accusations are that unknown persons had committed murder of Surender and thereafter, attempted to destroy evidence by burning the body.

It is a case of blind FIR.

Present petitioner has been implicated on the basis of a

supplementary statement of complainant, Dharmender having been recorded on 15.03.2015 wherein he stated that his brother had been murdered by Surender @ Tina, Sunil s/o Kartar, Himanshu @ Tinku, Baljeet s/o Tara Singh, Sunil s/o Hukam, Ram Lal and Shri Bhagwan on account of a conspiracy having been hatched at the instance of the present petitioner and who is father of co-accused Surender @ Tina.

Petitioner was arrested on 16.03.2015.

During the course of arguments, it has gone uncontroverted that the complainant Dharmender had been examined before the trial Court as PW-6 and he has not supported the prosecution version. He has rather resiled from his statement recorded before the Investigating Agency on 15.03.2015 on the basis of which the petitioner was implicated.

In view of the above and coupled with the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Panipat.

Disposed of.

01.04.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**