

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

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**Criminal Misc. No. M-3804 of 2016
Date of decision: February 08, 2016**

Sajjan Kumar

....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Sukhdeep Parmar, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

DAYA CHAUDHARY, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner, namely, Sajjan Kumar in case FIR No.742 dated 06.09.2015 registered under Sections 342, 304-B, 34, 201, 120-B of the Indian Penal Code at Police Station Model Town, Panipat, District Panipat during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner is old father-in-law and has falsely been implicated in this

case only on the basis of disclosure statement made by co-accused whereas nothing was said by the deceased. The allegations were levelled against husband, mother-in-law and brother-in-law of the deceased but no allegation was levelled against the petitioner. The challan has been presented and the statements of uncle and aunt of the deceased have been recorded and no evidence has come on record against the present petitioner. The petitioner is in custody since 08.09.2015, the trial may take long time to conclude and no purpose would be served by keeping the petitioner behind the bars. Co-accused of the petitioner are in custody.

Learned State counsel has not disputed the custody period as well as the factum of recording of the statements of two prosecution witnesses as has been stated by learned counsel for the petitioner. Learned counsel further submits that in disclosure statement, the petitioner has been shown to be standing on the gate of the house on the date of occurrence.

In view of the submissions made by learned counsel for the petitioner and as per statement of deceased recorded under Section 164 Cr.P.C., no specific allegation is there against the petitioner; allegations are only against husband, mother-in-law and brother-in-law of the deceased; the petitioner is in custody since 08.09.2015; challan has been presented and only two material prosecution witnesses have been examined; trial may take long time

to conclude and that no useful purpose would be served by keeping him behind the bars any further, the present petition is allowed. The petitioner, namely, Sajjan Kumar is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

February 08, 2016
sonia gugnani

(DAYA CHAUDHARY)
JUDGE