

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

***CRM No.M-37818 of 2015 (O&M)
Date of Decision: 06.04.2016***

Sunil @ Munna

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Vikas P. Singh, Advocate for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.641 dated 25.11.2014, under Sections 364/302/201/202/34 IPC and Sections 25/54/59 of the Arms Act, registered at Police Station Sadar Dadri, District Bhiwani.

Allegations are with regard to Deepak s/o Roshni Devi having proceeded in a Fortuner car on 31.05.2014 along with Vishnu Giri and the present petitioner and thereafter, having gone missing.

Petitioner was already confined in District Jail, Churu (Rajasthan) being named as an accused in FIR No.108/2014 registered at Police Station Ratangarh, District Churu under Section 341/394 IPC read with Section 34 IPC and accordingly, his production warrants had been got issued and his disclosure statement recorded on 19.12.2014.

It has gone uncontroverted that the only evidence against the present petitioner is a self-disclosure statement of the present petitioner that he had fired from his countrymade pistol at Deepak (since deceased).

Till date, the dead body of Deepak has not been recovered.

There is no recovery of any firearm from the present petitioner either.

Even though, the petitioner was already in custody pertaining to the FIR registered in District Churu, Rajasthan but he was brought on production warrants in the present case on 18.12.2014.

Learned State counsel would apprise the Court that out of 20 prosecution witnesses cited, only one has been examined till date. The trial, as such, is at the very initial stage and would take time to conclude.

Keeping in view the length of incarceration already suffered by the petitioner and without making any observations on merits, the present petitioner is held entitled to the benefit of bail.

Accordingly, petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Bhiwani.

Disposed of.

06.04.2016

shubham

**(TEJINDER SINGH DHINDSA)
JUDGE**