

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

***CRM No.M-42586 of 2015 (O&M)
Date of decision:21.01.2016***

Sandeep

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Rajesh Bansal, Advocate for the petitioner.

Mr. Deepak K. Grewal, AAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.632 dated 25.07.2015, under Sections 346 IPC, registered at Police Station Model Town Panipat, District Panipat (charge under Section 302 IPC has been framed vide order dated 04.12.2015).

Counsel for the parties have been heard.

FIR initially was registered on the statement of Sube Singh son of Kartar Singh who had stated that he has two children i.e. son Ankush and daughter Anu. Ankush was stated to be employed as a Chowkidar and on 06.07.2015, he left the house and thereafter was not traceable. FIR was registered under Section 346 IPC.

As per prosecution, the present petitioner was arrested on 04.08.2015 and on the basis of a confessional statement that with an intention to murder Ankush, he has been pushed into a canal, Section 346 IPC was deleted and Section 307 IPC was added. Ultimately, charge under Section 302 IPC has been framed vide order dated 04.12.2015 by the trial Court.

Upon a specific query having been put to the learned State

counsel, who is on instructions from ASI Sheetal Dass would submit that apart from the confessional statement of the petitioner himself, there is no other incriminating material/evidence against him. It has also been conceded that body of Ankush has not been recovered till date.

Under such circumstances, the question as to whether offence under Section 302 IPC is made out would be a moot point.

Petitioner has been in custody since 04.08.2015. The trial is still at the initial stage.

Without making any observations on merit, present petition is allowed.

Petitioner be enlarged on bail subject to the satisfaction of CJM/Duty Magistrate, Panipat.

Disposed of.

21.01.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**