

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

CRM-M No. 42665 of 2015 (O&M)

Date of Decision: 10.02.2016

Satbir

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Ajay Ghangas, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana
for the respondent/State assisted by ASI Satyawar.

Mr. Deepender Singh, Advocate
for the complainant.

JASWANT SINGH, J. (ORAL)

CRM No. 2231 of 2016

Present application under Section 482 Cr.P.C. for placing on record the documents as Annexure A-1 to A-8 and for exemption certified copies thereof.

For the reasons stated in application, the same is allowed and the documents as Annexure A-1 to A-8 are taken on record.

MAIN CASE

Prayer is under Section 439 Cr.P.C. for grant of regular bail on behalf of the accused-petitioner in case FIR No. 262, dated 29.06.2014, for offences punishable under Sections 302 and 201 of the Indian Penal Code, registered at Police Station Bilaspur, District Gurgaon.

As per the prosecution, complainant-Mohan Singh lodged the aforesaid FIR regarding the death of his son-Shri Bhagwan, who was found lying in a pool of blood near the tubewell in the fields on morning of 29.06.2014.

In the FIR, the needle of suspicion was turned towards the present accused/petitioner-Satbir Singh, who is none else than the nephew of the complainant.

It is contended that the prosecution evidence is based on circumstantial evidence, in the shape of motive as stated in the statement of complainant while examining as PW-9, i.e. to the extent that on previous occasion, petitioner/accused have a grudge against the deceased regarding unfair treatment in the partition of their joint land. That apart, only material relied upon by the prosecution on 5-6 disclosure statements, leading to recovery of only washed clothes and a rusted knife from the open field near the road, which are not sufficient to indicate the complicity of the petitioner.

The petitioner is also stated to be in custody since 02.07.2014 and the material witnesses have since been examined.

Learned State Counsel, assisted by ASI Satyawar, is unable to refute the aforesaid factual position.

Without commenting on the merits of the case, keeping in view the facts noticed above and custody period of the petitioner, this Court finds that the petitioner deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Gurgaon.

February 10, 2016

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**(JASWANT SINGH)
JUDGE**