

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

CRM-M No. 42744 of 2015 (O&M)

Date of Decision: 14.03.2016

Monu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. K.D.S. Hooda, Advocate
for the petitioner.

Mr. Kuldip Tiwari, Additional Advocate General, Haryana
for the respondent/State assisted by HC Om Dutt.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, is for grant of regular bail on behalf of the accused/petitioner-Monu in case FIR No. 140, dated 19.05.2014, for offences punishable under Section 302 read with Section 34 of the Indian Penal Code, registered at Police Station Urban Estate, Rohtak.

Deceased-Pardeep last left his house on 18.05.2014 at around 7.00 p.m. and thereafter his dead body was found on the next day, leading to lodging of the aforesaid FIR against unknown persons. After delay of eleven days, one Ramesh come forward and alleges that he had last seen Pardeep (deceased) on 18.05.2014 at around 7.00 p.m. with the present accused/petitioner-Monu and non-applicant/co-accused-Basant and Gagan, consuming liquor and quarreling with each other. After the arrest of the petitioner/accused, recovery of a knife has been planted upon him from his house.

It is contended that the said Ramesh is the cousin of the deceased (being *Mausi's* son) and his remaining quiet for eleven days qua the evidence of the last seen is not explained, that apart, he has not even been cited as prosecution witness. Thus, merely on the recovery of a knife that too without any traces of blood is not sufficient to connect the petitioner with the alleged offence. It is next contended that the deceased-Pardeep was involved in criminal activities including a murder case and had recently come out on bail, therefore, had many enemies. The petitioner is stated to be in custody since 02.06.2014 and not involved in any other criminal case.

Learned State Counsel, assisted by HC Omdutt, is unable to refute the aforesaid factual contention and further submits that only three witnesses remained to be examined.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner; the petitioner is not involved in any other criminal case, no useful purpose would be served by keeping the petitioner/accused in custody since the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

March 14, 2016

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**(JASWANT SINGH)
JUDGE**