

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-44349 of 2015

Date of decision:25.01.2016

Sukhdev @ Debu Petitioner
Versus
State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Guninder Singh Brar, Advocate for the petitioner.

Mr. R.S. Randhawa, Additional Advocate General, Punjab.

Ms. Puja Chopra, Advocate for the complainant.

Jaswant Singh, J. (Oral)

Prayer is for grant of regular bail to the petitioner under Section 439 Cr.P.C in case FIR No.227 dated 31.08.2015 under Sections 302, 34 of IPC (later on added Sections 201, 511, 34, 148, 149 IPC) at Police Station Sadar, Ferozepur, District Ferozepur.

The name of the petitioner has surfaced on account of the extra judicial confession of the main accused Rajesh Kumar made before Arun Kumar, wherein he has owned up along with three others, including the present petitioner to be involved in the murder of Jaswant Rai. The said Rajesh was also the one who had taken the deceased Jaswant Rai from his house in the presence of the complainant Ramesh Kumar, who is the father of Jaswant Rai. Rajesh is also the one who had booked a room in the Dharamshala where the dead body of Jaswant Rai was found. One of the witnesses, Vikram Singh, who was sought to be hired by Rajesh, co-accused Avi Kumar alias Sonu and the present petitioner Sukhdev, whose taxi was sought to be hired for disposing of the dead body has also in his statement named the said accused.

Prayer in the present petition is based on parity of treatment with the co-accused Avi Kumar alias Sonu who has since been granted regular bail by this Court vide order dated 17.12.2015.

Learned State counsel, on instructions from SI Ashwani Kumar, submits that charges are yet to be framed.

At this stage, learned counsel for the petitioner prays for permission to withdraw the present petition.

Dismissed as withdrawn.

As far as bail granted to Avi Kumar co-accused is concerned, the same needs to be re-considered as this Court prima facie is of the opinion that the findings returned in order dated 17.12.2015 cannot be allowed to stand as it would certainly affect the merits of prosecution case, which has yet to discharge its onus. The involvement of Avi Kumar is made out in the crime as per prosecution version and resultantly the notice be issued to accused (Avi Kumar) for cancellation of bail, for 3.3.2016.

25.01.2016
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(JASWANT SINGH)
JUDGE