

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.

CRM M-559 of 2016

Date of Decision: April 29, 2016

Ombir @ Commando

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.Gorakh Nath, Advocate  
for the petitioner.

Mr.C.S. Bakshi, Addl.A.G., Haryana.

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**M.M.S. BEDI, J. (ORAL)**

Petitioner seeks the concession of regular bail in a case registered at the instance of Ram Kumar, father of deceased Shamsher. The petitioner has been involved in the present case on the allegations that he alongwith three other accused had abducted Shamsher in a swift car and was taken to the house of the petitioner and was administered liquor. After committing the murder of Shamsher, his body was buried near the wall of the stadium by digging the earth with kassi.

So far as petitioner is concerned, he has been involved in the case on the basis of the disclosure statement made while in custody in another criminal case (murder case), in which he has already been acquitted. The allegation levelled against the petitioner that he had buried the body of the deceased after digging it, is on the basis of his confessional statement.

Counsel for the petitioner informs that on the basis of weak circumstantial evidence, the petitioner has been kept in custody for the last 3 years and 10 months.

On asking of the Court, State counsel informs that out of 40 witnesses of the prosecution, only 24 have been examined. The delay in adjudication of the matter by the trial Court is certainly a matter of concern.

State counsel informs that the petitioner is involved in three more cases of assault.

Involvement of the petitioner in other cases appears to be not relevant for determining the culpability of the petitioner in the present case where his role is to be determined on the basis of the circumstantial evidence.

With the assistance of counsel for the petitioner, I have gone through the statement of prosecution witnesses which are indicative of the motive and role played by accused Parveen, Amit, Rakesh and Suresh.

So far as petitioner is concerned, a perusal of the statements indicates that the detention of the petitioner for a period of 3 years and 10

months on the basis of weak evidence against him would entitle the petitioner to be released on bail.

In view of the above, the petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/ surety bonds to the satisfaction of the trial Court.

April 29, 2016  
sanjay

(M.M.S.BEDI)  
JUDGE