

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

**CRM-M No.5858 of 2016 (O&M)
Date of Decision: 02.05.2016**

Sonu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Partap Singh, Advocate for the petitioner.

Mr. Kuldip Tiwari, Additional Advocate General, Haryana
for the respondent/State assisted by ASI Anil Kumar.

JASWANT SINGH, J. (Oral)

Present 2nd petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Sonu in case FIR No.68 dated 05.02.2015, under Sections 302, 148, 149, 201, 34 of the Indian Penal Code, registered with Police Station Sadar Dadri, District Bhiwani.

On 05.02.2015 at around 12:00 AM, the complainant-Sudhir s/o Khem Chand lodged an FIR that at about 5:30/6:00 PM, on the previous date i.e. 04.02.2015, his brother-Bhupendar @ Pappal was coming back to Dadri from their village on his motorcycle and as per his information had had a scuffle and his body was found lying in the mustard fields along the road.

On his supplementary statement recorded on 07.02.2015, he implicated his nephews Ashish s/o Vijender Pal, Paramjit @ Vicky s/o Satender Pal, Vijaypal @ Sonu s/o Jaidev and their two other accused friends, namely, Sonu s/o Bijender Singh (petitioner) and Pardeep s/o Krishan, Caste Nai as the perpetrators of the crime.

The motive attributed is that Bhupender @ Pappal (since deceased) was demanding his share in the ancestral *Haveli* in the village and also part of his share qua the ancestral land acquired by the State, which was being opposed by his aforesaid three accused nephews.

It is contended that it is a case of blind murder, based on circumstantial evidence and except the disclosure statements of the co-accused/non-applicants, which is not admissible in evidence, revealing the name of the petitioner, there is no other incriminating material available against the petitioner on record. It is further contended that nothing has been recovered from the petitioner/accused-Sonu and the only role attributed as per the disclosure statements is that of inflicting *fist* blows to the deceased-Bhupender.

The petitioner is stated to be in custody since 01.06.2015 and not involved in any other criminal case. It is also submitted that 10 out of 24 witnesses have since been examined, including the material witnesses.

Learned State Counsel, assisted by ASI Anil Kumar, has filed reply by way of affidavit dated 29.04.2016 of Sh. Suresh Kumar, DSP Dadri and is unable to refute the aforesaid factual situation.

Without commenting on the merits of the case, keeping in view the above, the custody period and the fact that trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

May 02, 2016
Gagan

(JASWANT SINGH)
JUDGE