

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

239

**CRM-M-925-2016
Date of decision:15.01.2016**

Sudama @ Mota @ Sudhir

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr.Johan Kumar, Advocate
for the petitioner.

Mr.Rajiv Doon, AAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.116 dated 19.10.2014 under Sections 364-A, 405, 302, 201, 75, 34 IPC, registered at Police Station Tigaon, District Faridabad.

FIR was registered on the statement of Smt. Kashmiri Devi. On 06.10.2014, her son Naveen had left the house at about 9.30 a.m. and having contacted on phone, he said that he is in Ballabgarh and would return home in the evening. He, thereafter, has gone missing.

The decomposed body of Naveen was found on 06.10.2014.

It is a case of circumstantial evidence. Petitioner was arrested on 09.12.2014. The only incriminating material against the petitioner is his own confessional statement before the police authorities.

Learned State counsel would submit that a mobile phone belonging to deceased Naveen has been recovered from the petitioner.

Petitioner has been in custody since 09.12.2014.

It has gone uncontroverted that during the course of trial, prosecution witnesses PW5-Kashmiri Devi (complainant), PW6 Rambir (father of the deceased) and PW7 Pintu (real brother of the deceased) have not supported the prosecution version.

As such, without making any observation on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Faridabad.

Disposed of.

15.01.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**