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

CRM-M No. 10290 of 2017

Date of Decision: 24.05.2017

Rahul

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Suneet Singh Deol, Advocate, for
Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under
Section 439 Cr.P.C in case bearing FIR No. 142, dated
13.02.2016, under Sections 365, 302, 201 and 34 I.P.C.,
registered at Police Station Sadar Karnal, District Karnal.

Missing report was lodged with the police by Raj

Kumar, father of deceased Sagar, that his son went away after receiving call on his mobile number, without informing anyone. Thereafter, he did not return and his mobile number was found to be switched off.

The F.I.R. was registered on 13.02.2016. Sagar (since deceased) went missing on 09.02.2016.

A dead body was recovered on 06.03.2016 from J.R.L. Canal. Identification of the dead body was made by the locket in the neck of the deceased. Skeleton was sent for D.N.A.

The petitioner was apprehended on the basis of extra judicial confession allegedly made before one Surender, who is not related to the petitioner. Surender produced the petitioner before the police.

Petitioner is in custody since 13.03.2016.

Learned counsel for the petitioner submitted that half burnt clothes of the accused himself would not provide any incriminating material against the petitioner to presume culpability of the petitioner in the case. Similarly, blood stained

slippers and lower of the deceased would not connect the petitioner with the alleged offence, particularly in view of the fact that the alleged weapon of offence has not been recovered as the same was allegedly thrown in the Canal. The locket allegedly found in the neck of the deceased at the time of the identification has not been referred to in the statement of the complainant at the time of recovery in the inquest proceedings.

Learned State counsel on instructions from Sub Inspector Kulwant Singh stated that D.N.A. Report is still awaited. Challan has already been presented. The next date of hearing before the trial Court is 25.07.2017 for the remaining prosecution.

The extra judicial confession and other material on record would be tested at the time of trial.

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

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 24, 2017

Apurva

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No