

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

**Crl. Misc. No.M-10606 of 2017 (O&M)
Date of Decision: December 08, 2017.**

Deepak

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. K.S. Dhaliwal, Advocate
for the petitioner (s).

Mr. Deepak Grewal, D.A.G. Haryana.

Mr. S.S. Sahu, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.697 dated 25.10.2016 registered for the offences punishable under Sections 365, 302, 404, 201, 148, 149, 120-B read with Section 34 of Indian Penal Code, at Police Station Model Town, Panipat.

Heard.

FIR in this case was registered on the complaint of Sangeeta, wherein she stated that on 22.10.2016 at about 09.30 A.M, her husband had gone to attend his duty at Singla Nursing Home and thereafter to go to Delhi. He left for Delhi at about 2.30 p.m. on that day but did not return.

She tried to contact her husband on mobile. The bell of the mobile kept on ringing but none received that call. Police after recording the FIR, took the call details and location of the mobile was found at Palwal. It was found that deceased was having relations with one lady, who at that time, was residing at Krishna Colony, Palwal. Husband of that lady was arrested by the police, who made extra judicial confession before Pardeep Kumar PW confessing his guilt in this case. Lady with whom, the deceased was having relations namely Rina was also arrested and she got recovered sleepers, which were used in commission of crime. On the basis of disclosure statement of Narinder (husband of Rina) recovery of *danda* which was used in commission of crime, mobile phone of accused and his wife was effected. The petitioner was arrested on 12.11.2016 on the statement of co-accused.

Learned State counsel submits that case is based on circumstantial evidence i.e. tower location of the mobile phone of the petitioner and secondly, he had demarcated the place of occurrence.

Learned counsel for the petitioner submits that main witnesses namely Nisha and Ramesh, who is real uncle of the deceased, have turned hostile. Another witness namely Pardeep has also turned hostile.

Keeping in view the above facts as submitted by learned counsel for the petitioner and learned State counsel but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Deepak is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.

- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

(SURINDER GUPTA)
JUDGE

December 08, 2017

Sachin M.

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***