

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

CRM -M-1137 of 2017 (O&M)

Date of decision: 02.03.2017

Harish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Karan Pathak, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 355 dated 01.12.2014, registered under Sections 302, 120-B and 285 of IPC and Section 25 of Arms Act, at Police Station Farrukh Nagar, District Gurgaon.

It is contended that a road side accident has been converted into murder case. The petitioner has been falsely implicated in the present FIR solely on the ground that the vehicle allegedly reflected in the FIR is owned by the father of the petitioner. The petitioner had no motive to kill the deceased. No altercation as asserted by the complainant in the FIR had ever taken place. The complainant did not lodge any complaint with regard to altercation asserted in the FIR. The petitioner is not known to the complainant. He further states that the conduct of the complainant

suggests that he was not present at the spot. The learned counsel refers to the testimony of PW-1-Dr. Deepak Mathur who conducted the post mortem to submit that the case of the prosecution as projected is not supported by the medical evidence. The petitioner is not involved in any other FIR and he is in custody since 02.12.2014.

On the other hand, learned State counsel opposes the bail application and states that the petitioner being driver of the vehicle repeatedly rode the vehicle over the body of the deceased.

I have heard learned counsel for the parties and perused the record.

Considering the facts that the material witnesses have been examined; the petitioner is not involved in any other FIR; he is in custody since 02.12.2014; out of total 20 PWs, 09 PWs are yet to be examined, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

02.03.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No