

Sr. No.223

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

CRM No. M- 13294 of 2017 (O&M)

Date of Decision:26.04.2017

Dharambir

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. T.P.S. Teji, Advocate
for the petitioner.

Mr. Satish Saini, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

The petitioner seeks regular bail pending trial in FIR No.56 dated 14.02.2016 under Sections 302, 120-B, 34 IPC and Section 25 of the Arms Act, registered at Police Station City Gohana, District Sonapat.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Rohit. Deceased is Rahul i.e. brother of the complainant. As per the initial version recorded of the complainant, information was received on 14.02.2016 that un-identified persons had murdered Rahul by inflicting gun shot injuries outside Bus Stand, Gohana. The finger of suspicion was pointed towards one Om Parkash S/o Charan Singh by alleging that he had earlier in point of time murdered father of the complainant.

FIR has been registered against un-identified persons.

It so transpires that a supplementary statement of the complainant-Rohit was recorded on 14.02.2016 itself and in which a completely different version was set out. In the supplementary statement, complainant-Rohit alleged that there was property dispute between the family members and his own mother has hired a contract killer to eliminate Rahul i.e. her own son.

The present petitioner is sought to be implicated on the basis of the supplementary statement and the role attributed to him is that he had paid *supari* to such contract killer.

Petitioner was arrested on 15.02.2016.

It has gone un-controverted that complainant has not supported the prosecution version before the trial Court and has been declared hostile.

In view of the above and coupled with the length of incarceration already suffered by the petitioner, he is held entitled to benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Sonipat.

Disposed of.

26.04.2017**anju rani****(TEJINDER SINGH DHINDSA)
JUDGE**

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