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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 15216 of 2017 (O&M)
Date of Decision: 11.05.2017

Devender

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ashit Malik, 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. 758, dated 05.07.2016, registered under Sections 201/302/341/120-B/34 I.P.C., at Police Station Chandni Bagh, Panipat, District Panipat.

The petitioner seeks regular bail on parity with co-accused Amit, who has been granted concession of regular bail by this Court in **CRM-M No. 1369 of 2017** on **23.01.2017**.

In the present case, FIR was registered at the instance of Aslam with the allegations that his elder son Firoz Ali left the house as usual on 04.07.2016 at about 8:15 p.m. for

transacting the business of milk vendor on his motorcycle, but he did not return. The complainant and his other son Parvez went in search of Feroz Ali and found one of his slipper and motorcycle cover on the bridge. Blood stains were also spotted and weapon like *daratti* and *binda* were also seen. Many persons came to the site and the motorcycle of Feroz Ali was found lying in the bushes. There were injuries on the dead body of Feroz Ali. The FIR was registered against unknown persons.

Learned counsel for the petitioner submitted that the alleged role of the petitioner is of lesser intensity than that of Amit, who was implicated on the basis of confessional statement made in custody on 07.07.2016.

The statement of Khurshid, cousin of the deceased, under Section 161 Cr.P.C. would provide debatable issue. Said Khurshid was cited to be more or less an eye-witness of the occurrence, but still he did not lodge any complaint either on 04.07.2016 or on 05.07.2016.

Without meaning anything on ultimate merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on 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 11, 2017

Apurva

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No