

Sr. No.219

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

CRM No. M- 16645 of 2017 (O&M)

Date of Decision:16.05.2017

Rahul

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. J.S. Ghumman, Advocate
for the petitioner.

Mr. C.S. Bakshi, Addl. A.G. Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

The petitioner seeks benefit of regular bail pending trial in case FIR No.645 dated 03.11.2016, under Sections 302, 34 of Indian Penal Code and Section 25 of Arms Act, registered at Police Station Palam Vihar, District Gurugram.

Counsel for the parties have been heard.

Prosecution version is that on 03.11.2016, information was received that eunuch (transgender) had been assaulted and was lying injured in House No.1024, Sector-21, Gurgaon. Police having reached to the spot, statement of Tarun Rai Chaudhary, a tenant in house, was recorded. The dead body of Khushbu @ Jenis, was recovered from the kitchen of the house on the ground floor, which bore knife injuries.

The present petitioner was arrested on 04.11.2016 on the statement of Sanjana, who was also stated to be a transgender.

During the course of hearing, it has gone uncontroverted that Sanjana has not supported the prosecution version before the trial Court. That apart material witnesses namely Tarun Rai Chaudhary and Vijay Kumar Dass have also resiled from the statements.

Without making any observations on merits, the present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of trial Court/Duty Magistrate, Gurugram.

Petition disposed of.

16.05.2017

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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