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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.1719 of 2017

Date of Decision: 16.02.2017

CHANDER KISHAN @ MUNNA

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Jagjit Gill, 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.324 dated 04.10.2015, registered under Sections 148, 149, 364, 365, 302, 427, 201, 216 IPC at Police Station Sadar Sirsa, District Sirsa.

Complainant-Krishan Kumar lodged the FIR with the allegations that his son Santosh Kumar was running a finance shop near auto market. On 03.10.2015 at about 6.00 p.m., his son went to market for purchasing some domestic articles. At about 9 p.m., his daughter-in-law tried to contact Santosh Kumar, but he could not be contacted. At about 1.30 p.m. Mohit, who was working at the shop of the complainant's son informed

the complainant that at about 10.00 p.m., he along with Santosh Kumar and Lucky Arora were sitting in their office. At that time Santosh Kumar told them that the petitioner Chander Kishan @ Munna had called him at the liquor vend. All the three left for the destination in a car. There were already 20 boys armed with *lathis* and *dandas* along with the petitioner at the place. They *gheraod* the car and started breaking the glasses of the car. Mohit and Lucky ran away from the car and when they saw back, Santosh Kumar was being taken away by the assailants by lifting him. The dead body of Santosh Kumar was found next day in the field of paddy. Stab injuries were found on his person.

Initially FIR under Sections 365, 147, 427 IPC read with Section 149 IPC was registered. Later on offences under Sections 364, 302, 201, 148, 149 IPC were added.

During course of investigation, co-accused namely Parul and Parveen Kumar @ Shiv Dutt were arrested. Petitioner was also arrested and necessary recoveries were also made from the accused persons. One Chander Mohan was also booked for the offence under Section 216 IPC on the ground that accused persons stayed in his *Dhani Burj* and thereafter he left them at Odha Bus Stand on the next morning.

Learned counsel for the petitioner by relying upon the statements of PW-9 Krishan Kumar, PW-6 Mohit and PW-4

Lucky Arora submitted that the material witnesses have not supported the case of the prosecution. They were declared hostile and were sufficiently cross-examined by the prosecution, but nothing incriminating could come on record.

Learned State counsel on instructions from ASI Ram Kumar submitted that now the case is fixed for 02.03.2017 for remaining PWs. Out of 38 prosecution witnesses, 15 witnesses have been examined so far. The trial may take some time to conclude.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since 09.10.2015 can be enlarged on 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.

February 16, 2017.

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Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No