

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

CRM No. M-17244 of 2017 (O&M)

Date of Decision: 04.09.2017.

Sombir @ Somvir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. P.S. Hundal, Sr. Advocate with
Mr. Premjit Singh Hundal, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG Haryana.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 439 the Cr.P.C seeking regular bail in case FIR No.68 dated 17.02.2016 registered under Sections 302, 323, 324 and 506 read with Section 34 IPC at Police Station Sadar Hansi, District Hisar.

Learned Senior counsel for the petitioner contends that the petitioner allegedly called the complainant and informed him that his nephew Suraj was lying unconscious in the fields. The complainant went to the field. Though, co-accused Manjit was there however, the petitioner was at some distance. It is submitted that on the basis of disclosure statement of Sunil Kumar, it has been alleged that petitioner allegedly took away the deceased to the field for consumption of liquor despite it being against the record.

On the other hand, the learned State counsel submits that the petitioner took the deceased to the field for consumption of liquor. Recovery of stick was effected from him. The presence of the petitioner is duly proved at the time of occurrence.

Heard.

Though, stick without blood stains was recovered but there is no positive evidence or suggestion that the same was used by the petitioner. Even nothing has come on record regarding consumption of alcohol. The petitioner is not involved in any other FIR. The Court is conscious of the fact that this is the second bail application however keeping in view the fact that the petitioner is in custody since 17.02.2016; the material witnesses including the complainant have been examined, this Court feels that no purpose will be served by keeping the petitioner in further incarceration. So, without commenting on the merits of the 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 trial Court/duty Magistrate concerned.

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

04.09.2017.

SN

(JITENDRA CHAUHAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No