

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

***CRM No. M-17633 of 2017 (O&M)
Date of Decision: 26.05.2017***

Hans Raj

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. J.P. Jangu, Advocate for
Mr. Sunil Kumar Nehra, Advocate
for the petitioner.

Mr. Anmol Malik, AAG Haryana

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TEJINDER SINGH DHINDSA.J.

Petitioner seeks concession of regular bail pending trial in FIR No. 80 dated 06.08.2016 under Section 302/201/34 IPC registered at Police Station Baragudha, District Sirsa.

Counsel for the parties have been heard.

FIR has been registered on the statement of Anita. Deceased is her husband namely Krishan Kumar. As per the complainant's version Krishan Kumar (since deceased) had left home on Sunday morning i.e. 17.07.2016 alongwith one Hardyal Wadhwa to the Dera of Gurmeet Ram Rahim, Dera Sacha Sauda, Sirsa for taking Naam. Husband of the complainant having not returned, efforts were made to reach him on his mobile phone but the same was coming switched off. Finally on 23.07.2016, complainant states that they reached the Police Chowki, Sirsa for lodging of

complaint as her husband gone missing and thereupon she became aware that there were two unidentified dead bodies lying in Civil Hospital, Sirsa. Out of the two dead bodies, one was identified to be that of Krishan Kumar and there were several marks of injuries on his person.

It is a case of blind murder.

The complainant has pointed a finger of suspicion on one Amar Chand as also Baba of Ramanand Dera, even though no motive has been attributed.

The present petitioner apparently is sought to be implicated in the present case on the statement suffered by Ramesh Kumar i.e. cousin brother of Krishan Kumar (deceased).

Learned counsel appearing for the petitioner has referred to the statement recorded of PW-2 Ramesh Kumar before the trial Court and wherein he has stated that on 17.07.2016 his nephew Vinod son of Krishan Kumar had informed him regarding Krishan Kumar having gone missing. Ramesh Kumar thereupon having reached Sirsa to search for Krishan Kumar and reached the Ahata of liquor vend where he noticed that Krishan Kumar was consuming liquor alongwith the present petitioner.

The case being built by the prosecution is that of last seen evidence.

Counsel has also adverted to the deposition of PW-6 Anita wife of the deceased who has deposed that it was on 18.07.2016 that she had informed her devar Ramesh Kumar regarding her husband having gone missing and it was on 18.07.2016 that Ramesh Kumar left for Sirsa in the search of Krishan Kumar.

As opposed to the statement and deposition of PW-6 Anita,

Ramesh Kumar in his deposition as PW-2 is stated to have proceeded to search for Krishan Kumar on the previous date i.e. on 17.07.2016.

The argument raised by counsel appearing for the petitioner is that such inherent contradiction in the statement of material witnesses PW-2 and PW-6 who were close relatives of the deceased Krishan Kumar would suffice for this Court to accept the prayer for grant of bail during the course of the trial.

Petitioner has faced incarceration since 07.08.2016.

In the totality of circumstances and without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to the satisfaction of the trial Court/Duty Magistrate, Sirsa.

It is, however, clarified that the observations made in this order are confined only as regards considering the prayer of the petitioner for grant of regular bail and would have no bearing on the merits of the case.

Petition stands disposed of.

26.05.2017

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**(TEJINDER SINGH DHINDSA)
JUDGE**

- i) Whether speaking/reasoned? Yes/No
- ii) Whether reportable? Yes/No