

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**1. CRM-M-21219 of 2017
Date of Decision: 09.08.2017**

DeepakPetitioner

VERSUS

State of HaryanaRespondent

2. CRM-M-21865 of 2017

ParveenPetitioner

VERSUS

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ivneet Singh Pabla, Advocate
for the petitioner in CRM-M-21219-2017.

Mr. Javed Ahmad, Advocate
for the petitioner in CRM-M-21865-2017.

Mr. Deepak Grewal, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

Present petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No.107 dated 02.04.2016 registered for offences punishable under Sections 302, 201 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Beri, District Jhajjar.

Heard.

Learned counsel for petitioners submit that it is a case of circumstantial evidence, wherein prosecution has come up with role of petitioners as well as Ashok Kumar, Dharmender @ Dharma, Vias @ Badshah and Mohit @ Kale in committing murder of Jitender. Co-accused,

Ashok Kumar, Dharmender @ Dharma, Vias @ Badshah and Mohit @ Kale have already been released on bail by the Court below vide orders passed in March and April, 2017. It is further submitted that evidence against petitioners and other co-accused, who have been allowed bail in this case, is same. The reason for murder of Jitender was his teasing wife of accused Ashok Kumar, who is on bail.

Learned State counsel submitted that on investigation, police found that role of petitioners is similar to the role of other accused namely Ashok Kumar, Dharmender @ Dharma, Vias @ Badshah and Mohit @ Kale. They all have caused injuries to Jitender, which resulted in his death. The police investigation is mainly based on disclosure statement of the petitioners and other co-accused.

Keeping in view the fact that Ashok Kumar, who is stated to have caused injuries to deceased-Jitender alongwith petitioners, has already been released on bail alongwith Dharmender @ Dharma, Vias @ Badshah and Mohit @ Kale and that conclusion of trial will take considerably long time but without expressing any opinion on merits, present petitions are allowed. Petitioner-Deepak in CRM-M-21219-2017 and petitioner-Parveen in CRM-M-21865-2017 are ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) Petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure

their presence in accordance with law. In that eventuality petitioners shall have to apply for bail afresh.

- (c) They shall not leave the country without the previous permission of the Court.

August 09, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No