IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-23055 of 2017
Date of Decision: 03.08.2017

Shashi ....Petitioner

VERSUS

State of Haryana ....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vivek Khatri, Advocate
for the petitioner.

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SURINDER GUPTA, J.(Oral)

This is third petition filed by petitioner under Section 439 Code of Criminal Procedure seeking regular bail in case FIR No. 60 dated 03.04.2016 registered for offences punishable under Sections 302, 148 read with Section 149 of Indian Penal Code (for short, "IPC") at Police Station Sadar Narwana, District Jind.

Heard.

Notice of motion.

On asking of the court, Mr. Deepak Grewal, DAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per case of prosecution, deceased-Ramesh was having affair with Poonam, daughter of Tara Chand. On the day of occurrence i.e. intervening night of 02.04.2016 and 03.04.2016, he had gone to the house of Poonam. Both were found in nude condition by Sonu. Thereafter, petitioner and other members of family caused beating to deceased-Ramesh,

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resulting in his death. Poonam was also strangulated to death.

Learned counsel for the petitioner submits that co-accused, namely, Sonu has been allowed bail vide order dated 19.06.2017 passed in CRM-M-21470-2017. Though, he was not named in the FIR but his role was similar to the role of petitioner.

Learned State counsel opposes grant of bail to the petitioner on the ground that it is a case of double murder. The petitioner is named in the FIR and in evidence it has come that he alongwith other accused caused severe injuries to Ramesh resulting in his death. His case is not on parity with Sonu as Sonu was not named in the FIR.

On perusal of FIR, I find that in the FIR no role was attributed to Sonu, though in investigation, the police has recorded his disclosure statement. I do not find any parity in the case of Sonu and petitioner on this ground.

Keeping in view the gravity of offence and that release of petitioner on bail, at this stage, will provide him opportunity to tamper with prosecution evidence and also to prevail upon the prosecution witnesses, I find no merit in the instant petition and the same is dismissed.

August 03, 2017 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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