

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Hemlata
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CRM-M-31126-2017 (O&M)

Date of decision: 31.08.2017

Deepak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikram Singh, Advocate for the petitioner.

Mr. Naveen Kaushik, Addl.A.G., Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.142 dated 13.02.2016, under Sections 365, 302, 201, 34 IPC, registered at Police Station Sadar Karnal, District Karnal.

Learned counsel for the petitioner submits that the petitioner is in judicial lock up since 16.03.2016 and the trial will take long time to conclude as the DNA report is still awaited before the trial Court. It is further submitted that co-accused, namely, Rahul has been granted regular bail by this Court, vide order dated 24.05.2017 passed in CRM-M-10290 of 2017. The operative part of this order has been reproduced as under:-

“Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 142, dated 13.02.2016, under Sections 365, 302, 201 and 34 I.P.C., registered at Police Station Sadar Karnal, District Karnal.

Missing report was lodged with the police by Raj Kumar, father of deceased Sagar, that his son went away after receiving call on his mobile number, without informing anyone. Thereafter, he did not return and his mobile number was found to be switched off.

The F.I.R. was registered on 13.02.2016. Sagar

(since deceased) went missing on 09.02.2016.

A dead body was recovered on 06.03.2016 from J.R.L. Canal. Identification of the dead body was made by the locket in the neck of the deceased. Skeleton was sent for D.N.A.

The petitioner was apprehended on the basis of extra judicial confession allegedly made before one Surrender, who is not related to the petitioner. Surrender produced the petitioner before the police.

Petitioner is in custody since 13.03.2016.

Learned counsel for the petitioner submitted that half burnt clothes of the accused himself would not provide any incriminating material against the petitioner to presume culpability of the petitioner in the case. Similarly, blood stained slippers and lower of the deceased would not connect the petitioner with the alleged offence, particularly in view of the fact that the alleged weapon of offence has not been recovered as the same was allegedly thrown in the Canal. The locket allegedly found in the neck of the deceased at the time of the identification has not been referred to in the statement of the complainant at the time of recovery in the inquest proceedings.

Learned State counsel on instructions from Sub Inspector Kulwant Singh stated that D.N.A. Report is still awaited. Challan has already been presented. The next date of hearing before the trial Court is 25.07.2017 for the remaining prosecution.

The extra judicial confession and other material on record would be tested at the time of trial.”

On the other hand, learned State counsel, on instructions from ASI Kulwant Singh, has not disputed this fact the DNA report is still awaited. However, it is further submitted that 11 prosecution witnesses have already been examined.

Without commenting on the merits of the case, the present

petition is allowed. Petitioner be enlarged on regular bail subject to his furnishing bail / surety bond to the satisfaction of the trial Court/Chief Judicial Magistrate, Karnal.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(ARVIND SINGH SANGWAN)
JUDGE

31.08.2017
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No