

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-34720 of 2017(O&M)

Date of Decision: December 04, 2017

Rajbir

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Naveen Singh Panwar, Advocate
for the petitioner (s).

Mr. Deepak Grewal, D.A.G., Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 278 dated 01.12.2016 registered for the offence punishable under Section 302 of Indian Penal Code (for short, "IPC") at Police Station Baroda, District Sonipat.

Heard.

The FIR in this case was registered on the statement of petitioner that his wife has been murdered by some unknown person. During investigation, the petitioner was arrested for the murder of his wife.

Learned counsel for petitioner submits that the evidence against the petitioner is his confessional statement and extra judicial confession made before Sarpanch Rakesh, who has appeared as prosecution witness but turned hostile. Besides this, there is no other evidence and private witnesses examined by the prosecution have also not named the petitioner.

Learned State counsel fairly concedes that petitioner was

arrested in this case on the basis of his extra judicial confession of crime before Sarpanch Rakesh, who while appearing as witness has not supported prosecution case.

The petitioner was arrested in this case on 14.12.2016 and is in custody since then.

Keeping in view the above submission of learned counsel for petitioner and learned State counsel but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Rajbir is 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) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

(SURINDER GUPTA)
JUDGE

December 04, 2017

Sachin M./Jyoti-II

***Whether speaking/reasoned
Whether reportable***

***Yes/No
Yes/No***