

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

209

CRM-M-43021-2017

Date of Decision: 20.11.2017.

Akash

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Rajat Mor, Advocate for the petitioner.

Mr. Surender Singh, Assistant Advocate General, Haryana.

Ramendra Jain, J.(Oral)

Through this petition under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case F.I.R. No.459 dated 04.08.2017 registered under Sections 302/120-B/34 of the Indian Penal Code and Section 25(1) of the Arms Act, at Police Station Sadar, Bhiwani.

On 04.08.2017, one Kartar Singh, a auto driver, was murdered by some unknown persons. His wife got lodged F.I.R., raising suspicion on one Satyawar and Mahabir sons of Banarsi, murderers of her husband, disclosing a motive behind the pendency of civil litigation between her deceased husband and aforesaid Satyawar and Mahabir qua partition of a plot, besides some money dispute in between her deceased husband and Ragbir, brother-in-law of aforesaid Satyawar. During investigation, on the

basis of secret information, son of Mahabir, namely, Monu, was arrested,

who, during interrogation, confessed that he had got murdered Kartar Singh, husband of his *Bua* Chander Kalan (complainant) from co-accused Chirag with the help of petitioner, who provided his motorcycle to facilitate them in committing the murder of Kartar Singh. According to the prosecution, the auto rickshaw of deceased Kartar Singh was hired by aforesaid co-accused Chirag and he murdered deceased Kartar Singh by firing at him from back while sitting in his auto rickshaw.

Learned counsel inter-alia contends that the petitioner was not named in the F.I.R. He has been implicated in the instant case on the basis of disclosure statement of a co-accused Monu, which is a very weak type of evidence. The petitioner is in custody since 06.08.2017. Conclusion of trial shall take a long time and no useful purpose would be served by detaining the petitioner and further in custody. No role is attributed to the petitioner except that he had taken co-accused Chirag on his motorcycle. The main accused are Monu and co-accused Chirag, who committed the murder of Kartar Singh.

Considering over all facts and circumstances, but without commenting anything on the merits of the case, the petition is allowed and the petitioner is granted regular bail, during the trial, subject to his furnishing bail bond and surety bond to the satisfaction of the trial Court.

(RAMENDRA JAIN)
JUDGE

20.11.2017
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No