

Sr. No.209
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-5403 of 2017 (O&M)

Date of Decision:15.03.2017

Ashok

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Javed Ahmad, Advocate and
Mr. Anis Ahmad, Advocate,
for the petitioner.

Mr. C.S.Bakhshi, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.107 dated 02.04.2016, under Sections 302/201/34 IPC, registered at Police Station Beri, District Jhajjar.

Counsel for the parties have been heard.

Deceased in this case is Jitender S/o Ramji Lal whose dead body was found in a burnt condition lying in the fields.

The entire prosecution story hinges on three disclosure statements i.e. of Karan Singh, Mohan Lal and the present petitioner himself.

Pursuant to the last order passed by this Court on 27.02.2017, learned State counsel has produced the three disclosure statements for perusal of this Court.

It has gone uncontroverted that insofar as statements of prosecution witnesses Karan Singh and Mohan Lal are concerned, only a finger of suspicion is pointed towards the petitioner.

Insofar as the disclosure recorded of the petitioner himself, the

motive coming forth is that deceased Jitender had touched the hand of wife

of the present petitioner on 24.03.2016 when they had visited the house of Jitender.

Learned State counsel would oppose the present petition by submitting that based on such disclosure statement of the petitioner himself, the recovery of a danda and keys of the car belonging to the deceased was effected and even the site was demarcated where body was discovered.

It is a case of circumstantial evidence.

The evidentiary value of the disclosure statement of the petitioner himself where he is being seen as the prime accused would be an aspect to be dealt with by the trial Court.

Learned State counsel has not adverted to any evidence collected by the investigating agency that would clearly point towards the present petitioner and his wife having visited the house of Jitender on 24.03.2016.

Petitioner has faced incarceration since 01.05.2016.

The trial has not progressed much as out of 38 prosecution witnesses cited, only 01 has been examined till date.

In the totality of circumstances and without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Jhajjar.

Disposed of.

15.03.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No