

Criminal Misc. M- No. 6526 of 2017 (O&M)

Date of decision : April 03, 2017

Shokin

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. B.S. Tewatia, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 316 dated 28.11.2015 registered under Sections 302, 376, 201, 392, 34 IPC at Police Station Ferozepur Jhirka, District Mewat.

Learned counsel for the petitioner submits that there is no evidence against the present petitioner - Shokin son of Fateh Mohammed. The petitioner has not been named in the FIR. He is inculpated in this case on a disclosure statement of the co-accused Shokin son of Akbar Khan, who is the main accused in this case. Call detail records, it is submitted show that the co-accused Shokin son of Akbar Khan was in touch with the deceased. The petitioner's name thereafter cropped up in the supplementary statement of PW3 Rajjak on 13.12.2015 i.e. after the disclosure statement by Shokin son of Akbar Khan. Rajjak had not named the petitioner in his statement recorded earlier on 29.11.2015. Learned counsel submits that in

this case resting entirely on circumstantial evidence, there is nothing on record, which points to the complicity of the petitioner in the commission of any offence. The petitioner, it is submitted, is implicated on the basis of party faction in the village. The petitioner is in custody since 31.12.2015. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions, from ASI Raj Kumar affirms and verifies that the petitioner has been nominated in this case on the basis of disclosure statement of the co-accused Shokin son of Akbar Khan. He is unable to point out any material evidence to connect the petitioner with the commission of crime. The petitioner is not involved in any other case. Nine (9) out of total twenty nine (29) prosecution witnesses have been examined. The complainant has since been examined.

I have heard learned counsel for the parties.

It is apparent that the trial in this case is not likely to conclude in the near future. The petitioner has admittedly been in custody since 31.12.2015. He is not involved in any other case. There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

April 03, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No