

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

CRM-M-756-2017 (O&M)
Date of decision: 28.03.2017

RAMESH CHAND

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. J.S. Bedi, Sr. Advocate with
Mr. Sunil Sihag, Advocate
for the petitioner (s).

Mr. Saurabh Mohunta, DAG, Haryana

Mr. R.S. Mamli, Advocate
for the complainant

Jitendra Chauhan, J. (Oral)

CRM-3135-2017

CRM is allowed and Annexures P-5 to P-7 (colly) are taken on
record, subject to all just exceptions.

Main Case

By filing the present petition under Section 439 of the Code of
Criminal Procedure, the petitioner has sought regular bail in FIR No.404
dated 18.06.2015, registered under Section 302 read with Section 34 IPC, at
Police Station Sadar Karnal, Distt. Karnal.

The learned Senior counsel contends that during investigation,
no incriminating evidence could be collected against the petitioner. The

petitioner has been summoned as an additional accused under Section 319 Cr.P.C. on the basis of statement of complainant, PW-1. The petitioner has been falsely implicated in the present FIR being the brother-in-law of co-accused, Megh Raj, who allegedly gave injuries to deceased, Babu Ram. He further states that petitioner is brother-in-law of co-accused, Megh Raj, whose son Satish Kumar was murdered by Gurdial Singh, son of Babu Ram (since deceased), brother of the complainant. In the said FIR, Gurdial Singh, son of the deceased, along with co-accused were held guilty under Section 304-II IPC vide judgment dated 19.11.2010 and accordingly order of sentence dated 20.11.2010 was passed. The petitioner was one of the prosecution witnesses in the said FIR, wherein the conviction of son of the deceased was recorded and therefore, he states that the complainant had a motive to falsely implicate the petitioner. He further refers to Annexure P-5 statement of Jai Parkash, son of the deceased, where injuries have been stated to be caused by Megh Raj alone and statement of Karamvir, who allegedly removed the deceased to hospital where there is no reference of injuries having been caused by the petitioner. As the Annexure P-6 the statement of Zile Singh, who allegedly saw the deceased after he had been given injuries and from whose mobile phone the deceased passed on information to the complainant regarding the injuries caused to him, to contend that in the statement that there is no reference that the injuries were caused by the petitioner to the deceased.

On the other hand, the learned State counsel and learned counsel for the complainant vehemently oppose the present petition and

state that the name of the petitioner has been specifically mentioned in the FIR.

Heard.

Considering the statement of the brother of the complainant (Annexure P-5) and one Zile Singh (Annexure P-6) and the fact that the petitioner has been summoned under Section 319 Cr.P.C., no purpose would be served in keeping the petitioner behind the bars at this stage.

Accordingly, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

28.03.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No