

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

CRM-M-11977-2018 (O&M)

Date of Decision:- 13.8.2018

Kapil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Namit Sharma, Advocate, for the petitioner.

Mr. Navdeep Singh, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

Petitioner Kapil has filed this petition seeking grant of regular bail in respect of a case registered against him vide FIR No.766 dated 6.9.2017 under Sections 302, 201 IPC, Police Station Model Town, District Panipat.

The FIR was lodged at the instance of Amidan widow of Mustkin, wherein it is alleged that her son Nadeem was present at home on 5.9.2017 when Saddam and Shahrukh called him and took him along with them but her son did not return back till night. It is alleged that upon search they came to know that Nadeem had been made to consume liquor with Saddam, Shahrukh and Riyasat sons of Aksar Hussain and Kapil Nai and Nashim and thereafter while taking bath in the canal on Assandh Road,

Hanuman Mandir they had drowned and murdered her son Nadeem. On 16.5.2018 it had been submitted by learned State counsel that a CCTV footage collected from a private hospital namely Chirayu clearly shows that the petitioner and his accomplices had taken the deceased to the said hospital. This Court vide order dated 16.7.2018 had directed Superintendent of Police, Panipat to constitute a Committee for examining the aforesaid CCTV footage and to submit a report as to whether the said CCTV footage reveals presence of the petitioner in the hospital at the given point of time.

Notice of this petition was issued to the State.

Learned State counsel has opposed the present petition.

Learned State counsel has today submitted a status report by way of affidavit of Jagdeep Singh, HPS, Deputy Superintendent of Police, Head Quarter, Panipat accompanied by a report of the Committee prepared after examining the CCTV footage. As per the said report, Annexure P-2 Kapil is not seen in the CCTV footage while Riyasat is seen in the same.

Learned counsel for the petitioner has today informed that in fact complainant Amidan and also her son Saleem have been examined during the course of trial and both of them have turned hostile and have not supported the case of the prosecution at all.

The said position is not disputed by learned State counsel, who upon instructions from SI Ramesh Kumar, Investigating Officer has confirmed the same.

Having heard learned counsel for the petitioner and also the learned State counsel as well as bearing in mind the aforesaid position wherein I find that complainant has not supported the case of prosecution

and the CCTV footage does not reveal presence of the petitioner in the hospital, in my opinion, it is a fit case for grant of regular bail. The petition, as such, is accepted. Petitioner Kapil is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Panipat.

August 13, 2018
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No