

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

CRM-M-25267 of 2018(O&M)

Date of Decision: 06.07.2018

Jitender alias Sukha

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Rajesh Bansal, Advocate, for the petitioner.

Mr. Sharad Kumar Yadav, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 438 Cr.P.C. has been made for grant of anticipatory bail to petitioner Jitender alias Sukha in a case arising from FIR No.22 dated 09.01.2018 under Sections 120-B, 148, 149, 302, 323, 325, 341, 452, 506 IPC, and 25/54/59 of Arms Act, registered at Police Station Samlakha, District Panipat.

According to the prosecution, in the evening of 08.01.2018, son of the complainant namely Dharmender was murdered by 16 assailants named in the FIR. The name of the petitioner was introduced by the complainant by making supplementary statement after more than two months on 30.03.2018.

Learned counsel for the petitioner *inter alia contends* that as per version of the complainant, it was dark at the time of murder of his son Dharmender. Therefore, he could not identify the petitioner, but later on, on verification he came to know that the petitioner was also one of the assailants. None of the witness in his statement under Section 161 Cr.P.C

has named the petitioner, except the complainant for the murder of his son.

As on date, there is no evidence showing complicity of the petitioner in the murder of the son of the complainant. Final report has been submitted.

Considering over-all facts and circumstances and the fact that the petitioner was not named in the FIR by the complainant as an assailant, while naming other 16 persons, petition is allowed. The petitioner is granted anticipatory bail on the condition that he shall join the investigation as and when required and in the event of his arrest, he shall be released on bail by the Arresting/Investigating Officer on furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned under Section 438(2) Cr.P.C.

06.07.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No