

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-24440 of 2017
Date of decision : July 11, 2018

Soran

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. RS Rai, Senior Advocate with
Mr. Abhinav Sood, Advocate, for the petitioner

Mr. Siddarth Sanwaria, DAG, Haryana for the State assisted by
Mr. Ashit Malik, Advocate for the complainant

Fateh Deep Singh, J. (Oral)

The allegations against Soran petitioner in this second regular bail application are that on 19.12.2015 report was got lodged by complainant Ved Singh that he along with his brother Narender Prabhkar deceased were present in the hospital at Bhiwani taking care of their father who was taking treatment when around 6/6.30 PM a phone was received by the deceased who thereafter got downstairs of the hospital and thereafter went missing. It was on suspicion of the complainant that since his brother since deceased Narender Prabhakar had earlier filed a case against Subhash Master, Dharampal Soni, Chandu Lal and Mahender Chaudhary Deed Writer in a court on account of which Subhash Master has been giving

threats to his brother through Ashok Chiraya that either withdraw the case or else they will eliminate him and that earlier Dharampal has manhandled the deceased in a court at Delhi and also threatened him leading to the registration of the present case. A putrefied dead body was recovered which was claimed to be of Narender Parbhakar deceased on the basis of teeth identification by the complainant who also prayed for holding DNA test which was never done. It was subsequent on the statement of co-accused Sunil made on 21.12.2015, name of the petitioner has cropped up leading to his arrest on 22.12.2015.

Mr. RS Rai, Senior Advocate assisted by Mr. Abhinav Sood, Advocate has vociferously argued that there is not even an iota of evidence against the petitioner as he is neither named in the FIR and mere statement of co-accused is not admissible under the law.

The bail is sought to be opposed by learned State counsel assisted by counsel for the complainant on the grounds of seriousness of the allegations and the recovery of the Scarf of the deceased and has submitted that the trial is at fag end as only 10 witnesses of the prosecution remained to be examined.

Going through the submissions that the very legality, admissibility and acceptability of statement of co-accused qua the present petitioner is subject matter of the judicial adjudication and there being no other cogent substantial piece of evidence against the petitioner together with the fact that the petitioner is behind the bars since 22.12.2015 and the

trial is not likely to be concluded in near future and no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Bhiwani,

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

July 11, 2018
'tiwana'

(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No