

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-31117-2018

Date of decision: 30.07.2018

Ajay @ Avinash

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Karan Singh, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

1. Through this petition under Section 439 Cr.P.C., petitioner-Ajay @ Avinash, has prayed for grant of regular bail in FIR No. 0019 dated 25.01.2017 registered under Sections 302 and 404 read with Section 34 IPC and Section 25 of the Arms Act at Police Station City Rewari, District Rewari.

2. According to the prosecution, on 25.01.2017, dead body of one-Rajender son of complainant-Shivdayal @ Shibu, was found lying in the grounds of Ahir College, Rewari, having numerous sharp edged injuries on his body. Motorcycle of the deceased was lying parked near his dead body. Complicity of the petitioner was found from the statement of uncle of the deceased that in the previous evening i.e. on 24.01.2017, while he was taking his cows back, he had seen his deceased nephew-Rajender, talking with four young men for some money transaction. Thereafter, in the next

morning, his dead body was found lying in the grounds of Ahir College,

Rewari. As per prosecution version, complicity of the petitioner is on the basis of his last seen with the deceased.

3. Learned counsel *inter alia* contends that petitioner is in custody since 25.01.2017. As per complainant's version, deceased had lent some money to co-accused, namely; Deepak, Sagar and Pawan. No money was ever lent by the deceased to the petitioner. Last seen evidence is a very weak type of evidence. Final report under Section 173(2) Cr.P.C. has already been filed. The conclusion of trial shall take a long time. No useful purpose would be served by detaining the petitioner in jail.

4. On the other hand, learned State counsel vehemently opposed the prayer for grant of regular bail to the petitioner.

5. I have given anxious consideration to the submissions made by learned counsel for the parties.

6. Considering the overall facts and circumstances, but without expressing any opinion on the merits of the case and also that the trial is likely to take time, the instant petition is allowed. Petitioner-Ajay @ Avinash, is ordered to be released on regular bail pending trial, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

July 30, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No