

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-34469-2018

Date of decision: 27.08.2018

Pankaj

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. KP 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-Pankaj, has prayed for grant of regular bail in case FIR No. 14 dated 15.01.2018, registered under Sections 302 and 120-B IPC at Police Station Hodal, District Palwal.

2. According to the prosecution, in the morning of 15.01.2018, dead body of deceased-Naresh S/o Laxman, was found lying on railway track. His brother Narender, reported the matter to police, raising suspicion over the petitioner, his co-accused, namely; Harkesh, Bijender @ Jallad (Sarpanch), Karan, Pankaj, Rahul and 2-3 other persons for murder of his brother-Naresh, as he was last seen by him, the previous night i.e. 14.01.2018, in the company of aforesaid persons consuming liquor in the fields of Harkesh. Accordingly, aforesaid FIR was

registered. The petitioner and his co-accused-Rahul were arrested. During investigation, co-accused, namely, Bijender @ Jallad (Sarpanch), Karan and Harkesh were found innocent.

3. Learned counsel *inter alia* contends that the petitioner is in custody since 17.01.2018. Main accused Harkesh with whom quarrel of the deceased had taken place one month ago and Bijender @ Jallad (Sarpanch), who allegedly brought the deceased from his house have been declared innocent. Therefore, it is evident on the record that the petitioner has falsely been implicated on the basis of last seen which is a very weak type of evidence. As on date, the investigating agency has no proof showing involvement of the petitioner in the alleged murder of Naresh. Final report under Section 173(2) Cr.P.C. has already been filed. Conclusion of trial may take 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 above submission of learned counsel for the petitioner.

5. Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner is ordered to be released on bail pending trial, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

August 27, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No