

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Hemlata
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CRM-M-3464-2018(O&M)
Date of decision:06.02.2018

Pardeep ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Akashdeep Singh, Advocate, for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.81, dated 27.02.2017, under Sections 302, 201, 34 of IPC and 25 of the Arms Act, registered at Police Station Ganaur, District Sonapat.

Learned counsel for the petitioner submits that in CRM-M-46329 of 2017 filed by co-accused Himanshu @ Mohit, the following order has been passed on 11.12.2017:-

“ The petitioner was arrested on 09.03.2017. The prosecution case is that two persons, namely, Bhupinder and Ravi of Village,Rohra, Distt. Sonapat disappeared after 23.10.2016 and only one dead body was found on 28.10.2016 in canal near Delhi. Even now, other dead body has not been traced out. Perusal of postmortem report, the same shows fire injury on the chest and the dead body was decomposed. On the disclosure statement of Gopal, the name of the petitioner has come in the picture. There is no evidence against the petitioner.

In that view of the matter, this petition is allowed. Petitioner is ordered to be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate

concerned. Petitioner shall file an undertaking within 3 weeks with the trial Court that he will not indulge in any kind of offence in future. Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses. The petitioner to surrender his passport to the trial Court if possesses the same.”

Learned counsel for the petitioner further submits that the petitioner is in judicial lock up since 06.03.2017 and the petitioner has been involved in this case on the disclosure statement of accused Gopal and Rahul. It is further submitted that out of 23 prosecution witnesses, only 02 have been examined and there is no direct evidence against the petitioner. It is further submitted that the FIR has been registered after the delay of 04 months.

Learned State counsel, on instructions from ASI Satbir, has not disputed the factual position, but opposed the prayer for bail on the ground that as per disclosure of co-accused, the petitioner is also involved in the commission of offence.

Without commenting on the merits of the case, considering the fact that co-accused-Himanshu @ Mohit has been granted concession of regular bail by this Court; investigation is complete and the conclusion of the trial will take long time; the petitioner is in judicial lock up since 06.03.2017; the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail /surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

(ARVIND SINGH SANGWAN)
JUDGE

06.02.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No