

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202

CRM-M-37111 of 2017

Date of Decision: January 30, 2018

Naresh Kumar

.....Petitioner(s)

versus

State of Haryana and another

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Jitender K. Sehrawat, Advocate
for the petitioner.

Mr. Nishchal Mann, DAG, Haryana.

Mr. Sumit Sharma, Advocate for
Mr.Ashwani Bhardwaj, Advocate
for respondent No.2.

Sudhir Mittal, J. (Oral)

This is a petition for grant of regular bail in criminal complaint case RBT-103 instituted on 15.06.2012/01.07.2013, titled as “***Payre Lal Vs. Mulkh Raj etc.***”, under Sections 302/218/167/195/120B IPC, registered at P.S. Sadar Tohana, District Fatehabad.

2. Learned counsel for the petitioner contends that the petitioner has been involved in the murder case on the basis of suspicion and allegations of criminal conspiracy. He submits that the petitioner was classmate of the deceased and was about 17 years of age on the date of occurrence. He has been in custody since 27.02.2017. The report under Section 173 Cr.P.C. has already been presented in Court but the trial has yet to commence. There is no possibility of the

petitioner influencing the witnesses or trial. Further, it is submitted that all the co-accused have been released on regular bail.

3. Learned State counsel admits the factual submissions made on behalf of the petitioner.

4. Learned counsel for the complainant also could not controvert any factual submissions. However, he submits that the petitioner was last seen with the deceased.

5. The medical evidence proves that the deceased died due to “Aluminum Phosphide” poisoning. No overt act has been attributed to the petitioner. All the accused are family members of Prem Lata, who was in the company of the deceased when his dead body was discovered. Thus, it appears to be a case of honour killing. The other co-accused have already been granted regular bail and therefore on the basis of parity, the petitioner is also entitled to grant of regular bail. In any case, the investigation is complete and there is no possibility of the petitioner influencing the same.

6. In view of the above, the petition is allowed and petitioner-Naresh Kumar is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of learned trial Court/Duty Judicial Magistrate.

7. The petition stands disposed of.

January 30, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No