

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-40126-2018

Date of decision : 20.09.2018

Rahul

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr.Keshav Partap Singh, Advocate for the petitioner.

Mr.Yashwinder Singh, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

This is a petition for the grant of regular bail filed in case bearing FIR No.14 dated 15.01.2018, under sections 302, 120-B IPC , registered 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 petitioner, his co-accused, namely; Harkesh, Bijender @ Jallad (Sarpanch), Karan, Pankaj and 2-3 other persons for committing murder of his brother-Naresh, as he was last seen on 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-Pankaj 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. 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. Moreover, co-accused of the petitioner namely Pankaj has already been released on bail vide order dated 27.08.2018 passed in CRM-M-34469-2018 and the case of the petitioner is on similar footing.

4. On the other hand, learned State counsel vehemently opposed the above submission of learned counsel for the petitioner.

5. Considering the case of the petitioner on the same parity as that of his co-accused namely Pankaj but without commenting on merits of the case, he is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

(RAMENDRA JAIN)
JUDGE

20.09.2018
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No