

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-43404-2017 (O&M)

Date of Decision: 22.02.2018

Kulvinder @ Binder

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Bijender Dhankhar, Advocate for the petitioner.

Mr. Deepak K. Grewal, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.940 dated 1.9.2015 under sections 302, 34 I.P.C, registered at Police Station, City Hisar, District Hisar.

Learned counsel for the parties have been heard.

FIR came to be registered on the statement of Baru Ram. Deceased is Krishan Kumar i.e. brother of the complainant.

Present petitioner along with co-accused Bunty and Sonu were arrayed as accused apparently on the strength of a joint extra judicial confession made by Bunty and Sonu as regards Krishan Kumar (since deceased) having been inflicted beatings with *lathis* and fist blows on the intervening night of 31.8.2015 and 1.9.2015.

Counsel concedes that the present petitioner did not join proceedings and resultantly was declared a Proclaimed Offender. Petitioner was arrested on 17.6.2017.

During the course of arguments it has gone uncontroverted that co-accused Bunty and Sonu stand acquitted.

In the present case there is no extra judicial confession recorded of the present petitioner.

Even though, petitioner had evaded the process of law he has now faced incarceration since 17.6.2017.

Keeping in view the length of incarceration and coupled with the fact that co-accused Bunt and Sonu have already earned acquittal, petitioner is held entitled to the benefit of bail. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate concerned.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

22.02.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No