

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-43548 of 2017
Date of Decision: March 01, 2018

Mahesh Kumar @ Mahesh Mehta

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Sanjeev Pandit, Advocate
for the petitioner

Mr. Amandeep S. Gill, Sr. DAG Punjab

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 125 dated 03.11.2016, registered under Sections 302, 201, 379, 149 IPC at Police Station City Budhlada, District Mansa.

The FIR was registered on the statement of one Mohit Sharma son of Prithipal Sharma. His father was posted as Secretary of Market Committee, Lehragaga and on 02.11.2016 he had gone to his office on his vehicle. From there he went to inspect the grain market at about 12.00 noon but did not return. Thereafter, on making enquiries and conducting the search his car was found parked on the road side near Adampur village with dead body on the back side. The FIR was registered against unidentified persons.

Learned counsel for the petitioner submits that the petitioner has been named on the basis of a statement of one Satish Kumar. Apart from that statement there is nothing else to connect the petitioner with the death of Prithipal Sharma. Moreover, as per the MLR ligature marks were absent and the report of Chemical Examiner showed that ethyl alcohol was detected in some of the exhibits. The opinion of Dr. Rohan Sahni states that the cause of death was 'asphyxia'. Asphyxia

is not borne out from the MLR i.e. there was no ligature marks present on the body and there is no allegation that the deceased was smothered or was drowned. The petitioner has been in custody since 20.09.2017. The investigation is complete and challan stands presented but the trial would likely to take some time to conclude.

The submissions of learned counsel for the petitioner are borne out from the record.

Learned State counsel, however, submits that the complainant has not yet been examined.

Be that as it may, it is not in dispute that as on date there is no evidence on record to connect the petitioner to murder. The investigation is complete but the trial may take some time to be concluded. Thus, it would be just and appropriate to grant regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

March 01, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No