

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

CRM-M-47931 of 2018 (O&M)

Date of Decision:-2.11.2018

Ajay @ Pardhan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rakesh Kumar Lathwal, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J. (Oral)

The petitioner seeks grant of regular bail in a case registered vide FIR No.116 dated 12.3.2017 under Section 364, 302, 201 read with Section 34 of Indian Penal Code and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes Act registered at Police Station Kharkhoda, District Sonipat.

The FIR was registered pursuant to recovery of a dead body of son of the complainant from the agricultural fields. The matter was investigated and three persons were found to be involved in the present case namely Aman (Juvenile) Ashu (non-applicant) and Ajay(petitioner).

The learned counsel for the petitioner has submitted that it is a case of blind murder and there is no evidence worth credence against the petitioner and that in any case material witnesses have already resiled from their statements. The learned counsel in this context has drawn the attention of testimony of PW-1 Bhagat Singh who during his examination-in-chief has

stated that the accused Ajay and Rishipal had not committed any crime. To a similar effect are the statements of PW-2 Samey Ram and PW-5 Satwayan, which are also annexed with this application. The learned counsel has thus prayed for grant of regular bail.

On the other hand, the learned State counsel has opposed the application by stating that the circumstantial evidence which has been collected during the course of interrogation clearly reveals the complicity of the petitioner and that no case for grant of bail is made out.

Having considered the rival submissions addressed before this Court and bearing in mind the fact that the case is solely based on circumstantial evidence and that material eye witnesses have already resiled and also that the petitioner has been behind bars since the last about more than 1 year, no useful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner-Ajay @ Pardhan is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate Sonapat.

The petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

2.11.2018
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Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No