

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

CRM-M-48613-2018 (O&M)

Date of Decision:- 13.11.2018

Rinku Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dinesh Saini, Advocate, for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

By way of filing this petition, petitioner Rinku Kumar seeks grant of regular bail in respect of a case registered against him vide FIR No.277 dated 14.12.2017, under Sections 201, 302, 394, 34 of Indian Penal Code, 1860, Police Station Cheeka, District Kaithal.

The FIR was lodged at the instance of Raspal who has alleged that he is employed as Sweeper in New Grain Mandi, Cheeka and he remains on duty from 9.00 am to 5.00 pm in Grain Mandi, Cheeka and that on 14.12.2017 while he was taking a round of the Mandi, he found a dead body which was having injuries on the forehead and throat. The case of the prosecution is that subsequently statement of one Ashok Kumar was recorded who stated that he was working as a cleaner with deceased Ranjit on a truck and that on 12.12.2017 their truck had broken down as there was defect in the gear box and Ranjit had taken a lift from Ravi and Rinku who had represented that they would help him in arranging for a new gear box for the truck.

Notice of this petition was issued to the respondent/State.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that only evidence against him is in the shape of 'last seen' evidence and that the said Ashok Kumar had already been examined.

On the other hand, learned State Counsel has opposed the petition and has referred to the statement of Ashok Kumar, recorded in the Court, who has categorically stated that on the day of occurrence, the deceased had accompanied the petitioner and that the deceased was having ₹80/90 thousand with him at that time. It has been informed that as on date 16 prosecution witnesses have been examined out of the cited 45 prosecution witnesses.

Having considered the rival submissions addressed before this Court and bearing in mind the fact that it is a case based solely on circumstantial evidence wherein the statement of PW Ashok Kumar has already been recorded and also the fact that the petitioner has been behind bars since the last more than 10 months and that the conclusion of trial is likely to take some more time, the petition, as such, is accepted and petitioner Rinku Kumar is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Kaithal.

The present petition stands accepted accordingly

November 13, 2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No