

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

CRM-M-4911-2018 (O&M)

Date of decision: 27.02.2018

Pardeep

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner seeks benefit of regular bail pending trial in case FIR No.589, dated 15.05.2017, under Section 306 IPC (all other offences of FIR already stand deleted in the challan), registered at Police Station City Panipat, District Panipat.

Counsel for the parties have been heard at length.

FIR came to be registered on the statement of Sukhbir. Deceased is Ramphal i.e. brother of the complainant.

As per complainant's version, the present petitioner as also co-accused had borrowed money from Ramphal (deceased) and which was not being returned inspite of having been called upon a number of times. A cheque is also stated to have been given by Sandeep (co-accused) i.e. brother of the present petitioner towards repayment and the same upon presentation was dis-honoured. Precise allegations are that on 14.05.2017 while the complainant and Ramphal (deceased) were present at a shop, the present petitioner came there and called upon Ramphal to come to the house

for return of money and for settling of accounts. Thereupon, Ramphal (deceased) is stated to have proceeded along with the present petitioner. Complainant's version is that at about 10:15 P.M. after closing the shop and having come to know that his brother has not reached back home, he proceeded towards the house of the present petitioner and thereupon noticed that the petitioner along with his brother Sandeep, Pale Ram and one lady of the family were dragging Ramphal from out of the house and at that point of time, Ramphal disclosed to him that he has been forcibly administered poison.

Initially, FIR had been registered for offences under Sections 302/328/34 IPC.

As per prosecution version, Ramphal (deceased) had left behind a suicide note and as such, the petitioner is now facing trial having been charged for offence under Section 306 IPC and the other offences have been deleted.

Date of arrest of the petitioner is 28.05.2017.

During the course of arguments, it has gone uncontroverted that before the trial Court, the complainant/Sukhbir Singh (PW2) and other family members of the deceased i.e. Bhim Singh/PW3 (uncle of the deceased) and Krishan/PW3 (cousin of the deceased) have been examined and they have not supported the prosecution version.

13 prosecution witnesses are yet to be examined.

Trial would take time to conclude. Petitioner has faced incarceration since 28.05.2017.

It is not the case made out on behalf of the State that if petitioner is extended benefit of bail, he would be in a position to interfere

and hamper the course of a free and fair trial.

In view of the above and without making any observations on merit, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

27.02.2018

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |