

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

**CRM-M No. 54874 of 2018
Date of Decision:-17.12.2018**

Pawan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. R.N. Lohan, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner Pawan Kumar, who is in custody since 10.2.2018, seeks regular bail under Section 439 Cr.P.C. in case FIR No.26 dated 29.1.2018, under Sections 302, 365, 201 and 404 read with Section 34 IPC, registered at Police Station Uchana, District Jind, during pendency of the trial.

On the statement of Sonu @ Monu s/o Dilbag Singh, the FIR was registered on the allegations that an information was received that dead body of his father, namely, Dilbag is lying on the track near pulia of Barsola minor situated on Khapar to Uchana Kalan road. Upon seeing the dead body, various injury marks were found on the same and blood was oozing

out from the nose. It was suspected that some unknown persons killed his father.

Learned counsel appearing for the petitioner has argued that the case of the prosecution is based on circumstantial evidence and is founded on the solitary evidence of Randhir Singh, before whom his co-accused, namely, Jasbir Singh suffered extra judicial confession on 10.2.2018. It is submitted that the said witness has already been examined by the prosecution as PW7. According to him the extra judicial confession does not appeal to prudence as the same was made before a stranger, with whom Jasbir Singh was not acquainted. Learned counsel has further argued that this confession is by a co-accused and the same is not admissible as far as the petitioner is concerned. It is further argued that the material witnesses have been examined by the prosecution and only the official witnesses remain to be examined. Therefore, further custody of the petitioner is not justified.

On the other hand, learned State counsel has opposed the bail application on the ground that a *danda* alongwith wallet of the deceased was recovered from the house of the petitioner. However, it is not disputed that only official witnesses remain to be examined and except for this extra judicial confession, allegedly suffered by Jasbir Singh, there is no other evidence against the petitioner.

Considering the custody of the petitioner, the stage of the trial, and the fact that only official witnesses remain to be examined, the conclusion of trial may take some time, therefore, further detention of the

petitioner is not justified. Without commenting anything upon merits of the case and status of the trial, the petitioner, namely, Pawan Kumar is admitted to regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the concerned trial Court.

The petition is allowed.

December 17, 2018
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No