

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

CRM-M-389-2019

Date of decision-14.01.2019

Bhupinder @ Dipu

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Navdeep Singh, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner is in custody since his arrest on 28.07.2017 and prays for grant of regular bail in case FIR No.254 dated 27.04.2017 for the offences punishable under Section 302 read with Section 34 of Indian Penal Code registered at Police Station City Hansi, District Hisar, Haryana.

The FIR was registered on the basis of statement given by Vicky son of Maan Singh wherein it is alleged that his father (deceased) used to work in HRD Jindal Factory, Ganesh Road Line, Hisar for last about 10-12 years. His father used to come home around 8.00 P.M. It was told by his father that he has some money dispute with someone in the company. It is further narrated that on 26.04.2017, his father did not return home by 9.00 P.M and he searched for him but could not trace him. Next day his maternal uncle Rajesh intimated that dead body of his father was lying in the street opposite Forest Department Gate. It was mentioned by the complainant that

some unknown persons had murdered his father who was having injuries on his head and ear.

During investigation, wife of the deceased gave an application on 18.07.2017 expressing suspicion upon petitioner-Bhupinder @ Dipu and his co-accused, namely, Naveen @ Bantu.

Learned counsel for the petitioner has argued that case set up by the prosecution is very weak as there is neither any confession recorded by the Police nor any material evidence collected even pursuant to the application given by the wife of the deceased. Learned counsel has further pointed out that pursuant to the disclosure statement, the alleged blood stained clothes were recovered from the house of the petitioner, however, no blood was detected upon the clothes, as indicated in the FSL report dated 08.06.2018. It is argued that complainant, namely, Vicky has already testified before the Court who has not named the petitioner. The petitioner is in custody for the last one and a half years.

On the other hand, learned State counsel on instructions from ASI Baljit Singh has opposed the bail application on the ground that accused suffered the disclosure statement wherein the alleged occurrence stands narrated by him, which took place in front of liquor vend. According to the statement, co-accused-Naveen had brought liquor and at that time some altercation took between him and Maan Singh, whereupon they had given brick blows on the head of Maan Singh. At this stage, learned counsel for the petitioner points out that no brick in question has been recovered.

Without commenting anything upon merits of the case and

considering the custody of the petitioner and the fact that complainant has already testified before the Court, and the trial is likely to consume some more time, the petitioner, namely, Bhupinder @ Dipu 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.

(MANOJ BAJAJ)
JUDGE

14.01.2019
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No