

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

**CRM-M No.619 of 2019 (O&M)
Date of Decision: 01.04.2019**

Gurdit @ Mangat

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State.

Mr. Pankaj Bali, Advocate for
Isham Singh (father of deceased-Ravi @ Sonu).

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in case FIR No.387 dated 27.09.2017 (P-1), under Section 302 of the Indian Penal Code, 1860, registered at Police Station Butana, District Karnal.

The case of the prosecution is that on 27.09.2017 at about 08:30 AM, when complainant-Anil Kumar, Namberdar was going to Nilokheri from his village Bairsal due to some personal work, he found that many persons have gathered inside the old Water House of their Village and found that the dead body of a young boy of 26/27 years was lying in the water tank having the injuries on his person and lot of blood had oozed out on account of the said injuries. Consequently, it was reported that some unknown persons had committed the murder of said person, whose name was later on disclosed as Ravi @ Sonu and the investigation machinery was put into motion for further registration of the case.

It transpires that petitioner was nominated as an accused on the basis of last seen by one Darshan Lal during investigation.

Contends that petitioner is in custody since 28.09.2017 and all the material witnesses i.e. PW-1 Anil Kumar (complainant); PW-11 Chanderveer Singh (brother of deceased) as well as PW-12 Isham Singh (father of deceased) have not supported the prosecution case.

On the other hand, learned State Counsel, on instructions from S.I. Tejpal, submits that most of the prosecution witnesses have been examined and trial is at the fag end.

Heard both sides and perused the paper-book.

Learned Counsel for the petitioner has produced the photocopies of testimonies of PW-11 Chanderveer Singh (brother of deceased) as well as PW-12 Isham Singh (father of deceased) and perusal of the same along with statement (P-2) of PW-1 Anil Kumar (complainant) reveals that none of the material witnesses have supported the prosecution case; rather they categorically deposed that the petitioner has not committed the offence. Further deposed to the extent that no one committed the murder of Ravi @ Sonu as he was an habitual drunkard and police registered a false case.

In view of above, no purpose would be served by keeping the petitioner behind the bars any more. Consequently, this Court is left with no option except to release the petitioner on bail forthwith. Therefore, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

April 01, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>