

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

**CRM-M No. 1988 of 2019
Date of Decision:-08.05.2019**

Ankur

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Vikas P. Singh, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner Ankur has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.630 dated 20.6.2018, under Sections 302, 201 and 120-B IPC, registered at Police Station City Ballabgarh, District Faridabad. The petitioner is in custody since his arrest of 21.6.2018.

As per FIR, on 20.6.2018 a dead body of male, lying near railway track was recovered by the police of Police Station Ballabgarh. The identity of the dead body as Sukhbir Singh came to the notice of the police through Aadhar Card of deceased, which was found lying on the spot. Thereafter, the police called brother of deceased, namely, Ramesh Pal Singh

on the spot, who identified the dead body. Initially FIR was registered against eight persons, namely, Vikram Singh, Bablu alias Karan Singh, Sonu, Monu, Matru, Gulal, Rahul and Toofan. However, all these persons were found innocent during the course of investigation. Subsequently, it emerged that Ankur Kumar and Sonu Kumar murdered the brother of the complainant on the pretext of getting him re-married and they also snatched Rs.40,000/- from deceased Sukhbir.

Learned counsel for the petitioner contends that the case of the prosecution is based on circumstantial evidence and the name of the petitioner is not mentioned in the FIR, recorded at the instance of complainant Ramesh Pal. According to him the petitioner was indicted subsequently when another brother, namely, Dinesh got his statement recorded under Section 161 Cr.P.C., in which he alleged that deceased Sukhbir left the house alongwith Ankur s/o Megh Raj Thakur, resident of Village Hassanpur, Police Station Jahangirpur, District Buland Shahar (U.P.) (petitioner herein) and Monu.

It is contended by learned counsel that complainant Ramesh Pal had given various names such as (i) Vikram Singh s/o Prem Singh, caste Rajput, (ii) Bablu s/o Hoti Singh, caste Rajput, (iii) Sonu s/o Rajan Singh, caste Rajput, (iv) Monu s/o Rajan Singh, caste Rajput, (v) Matru s/o Raghuvir Singh, caste Rajput, (vi) Gulal s/o Sultan Singh, caste Rajput, (vii) Rahul s/o Rakesh Singh, caste Rajput, residents of Village Hassanpur, Police Station Jahangirpur, District Bulandshahar (UP) and (viii) Ankur brother-in-law of Jugander Singh (brother of Vikram). All these persons

have been exonerated by other brother Dinesh. According to learned counsel, the brothers of the deceased have given conflicting versions about the alleged occurrence. According to him, the petitioner is in custody for the last approximately 11 months and deserves concession of bail.

On the other hand learned State counsel, who is assisted by ASI Om Parkash, opposed the prayer for grant of bail to the petitioner on the ground of seriousness of offence. However, it is not disputed that out of 25 witnesses in all, only 12 witnesses have been examined so far. It is further pointed out that the complainant, namely, Ramesh Pal has already expired. It is also not disputed that the petitioner was indicted only on the strength of statement got recorded by Dinesh Pal, brother of deceased Sukhbir.

Considering the above, the stage of the trial, which is likely to consume some time as still 13 witnesses remain to be examined, therefore, further custody of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Faridabad.

The petition is allowed.

May 08, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No