

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

**CRM-M No.3463 of 2019 (O&M)
Date of decision : 31.01.2019**

Vinod Kumar

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. R.S.Cheema, Senior Advocate with
Mr. Rajiv Kumar Trikha, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. Preetinder Singh Ahluwalia, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.352 dated 28.06.2018 registered under Sections 364/302/201/34 & 120-B IPC at Police Station City Yamuna Nagar.

The brief facts of the case are that the father of the complainant went missing on 27.06.2018 after having left with the son of the petitioner. Ultimately his dead body was recovered on 28.06.2018 but before that an FIR for kidnapping was lodged against the son of the petitioner. After the body was recovered the case was converted into under Section 302 IPC and further proceedings were taken place. Once the son of the petitioner was arrested the other persons who were along with him at the time murder was

sought to be involved by alleging that he was in conspiracy with his son because he was running a business together, he was in conspiracy with his son and even his car was used to commit the crime.

Learned senior counsel for the petitioner has argued that the first allusion to the petitioner came almost two weeks after the incident on 10.07.2018 and that too (as far as the complainants were concerned) in an oblique manner and directly only by way of a disclosure statement of the son of the petitioner and apart from that there is no evidence against him.

Custody certificate dated 29.01.2019 filed by way of affidavit of Dr. Rajeev, Deputy Superintendent, District Prison (Yamuna Nagar), Haryana on behalf of State is taken on record. Copy supplied to the counsel opposite. As per the custody certificate the petitioner has undergone 6 months and 3 days of custody.

Learned Deputy Advocate General on instructions from Inspector Narender Singh has accepted that apart from these facts there is no other evidence against the petitioner.

Learned counsel appearing on behalf of the complainant has however argued that actually the business was owned by the petitioner and the liability therefore was of the petitioner and it was a huge liability and the sons-in-law of the petitioner are also involved in the murder. He has further argued that he has filed a petition seeking an independent investigation because there is ample objective evidence that two police officers were actively involved in the planning and execution of the whole crime and in the final report the police has completely obliterated all references to them.

Though it has come on the record that between the disappearance of the

deceased and the discovery of the dead body many calls were exchanged between the son of the petitioner and those 2 police officers. That petition has now been adjourned to 14.02.2019 where a report has been sought from the Inspector General of the range but at the present juncture I do not deem it appropriate to deny bail to the petitioner. This would however be subject to the explicit condition that in case at any subsequent stage any other evidence comes which may show the involvement of the petitioner the police as well as the complainant have a right to apply for cancellation of the bail.

In view of the period of incarceration already suffered by the petitioner and without going into the merits of the case, I deem it appropriate to release the petitioner on regular bail to the satisfaction of the trial Court.

Ordered accordingly.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

31.01.2019

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No