

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRR.No.209 of 2019 (O&M)

Date of Order: 31.01.2019

Wazid

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Ashok Singh Choudhary, Addl.AG, Haryana.

GURVINDER SINGH GILL, J (ORAL)

The petitioner Wazid (juvenile) assails order dated 28.11.2018 passed by learned Additional Sessions Judge, Panipat, whereby his appeal challenging order dated 15.11.2018 passed by learned Principal Magistrate, Juvenile Justice Board, Panipat, dismissing his application for grant of bail during pendency of inquiry arising out of FIR No.220 dated 28.9.2017 registered at Police Station Quilla Panipat, under Sections 302, 120B, 365 and 201 of Indian Penal Code, 1860 and Section 25 of Arms Act, has been dismissed.

The FIR was registered at the instance of Vinod, wherein it has been alleged that on 24.9.2017 his son Monu received a call from some boy asking him to come to Uttar Pradesh. On 25.9.2017 his son informed that he is leaving for village Dindu Khera (U.P.) i.e. his maternal uncle's village but he did not reach there. On 27.9.2017 his son called his mausi (aunt) Suman telephonically and informed her that he had been kidnapped by son-in-law of Phool Hassan. The complainant has alleged that he suspects that his son had been kidnapped by Phool Hassan, his brothers Shada, Mahenda and Kaptan. It is further the case of prosecution that subsequently i.e. on

10.10.2017, the complainant made a supplementary statement, wherein he alleged that his son Monu had enticed away Sonia, daughter of Phool Hassan, because of which Phool Hassan and his family nursed a grudge against his son and that he suspects that due to the said grudge Mehendi Hassan, Dilshad, Kaptan, Islam, Sinha and Intzar had conspired and has got his son killed though through Azad and the present petitioner-Wazid.

It is further the case of prosecution that aforesaid Azad was arrested and upon his disclosure statement, the dead-body of Monu was recovered and he admitted that he alongwith the present petitioner-Wazid had killed Monu.

The learned counsel for the petitioner has submitted that the present case is a case of blind murder and that the petitioner has been involved merely on the basis of suspicion and that co-accused of the petitioner have already been granted bail by this Court.

On the other hand, the learned State counsel has filed custody certificate dated 30.1.2019 in Court today, which is taken on record. He has submitted that since Azad, who had initially been arrested and had made a disclosure statement leading to recovery of dead-body of Monu and who had also named the present petitioner, the complicity of the petitioner is evident and no case for grant of bail is made out.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the present case is based totally on circumstantial evidence and also that the petitioner has been behind bars since the last more than one year, 3 months and 15 days and that conclusion of trial is likely to take some time, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The revision

petition, as such, is accepted. The impugned order dated 28.11.2018 passed by learned Additional Sessions Judge, Panipat and order dated 15.11.2018 passed by learned Principal Magistrate, Juvenile Justice Board, Panipat are hereby set aside. The petitioner Wazid is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stands accepted accordingly.

January 31, 2019
manoj

(GURVINDER SINGH GILL)
JUDGE

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