

CRM-M-3978-2019 (O&M)

Date of decision:11.03.2019

Vinod Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

Mr. Munish Dev Sharma, AAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.138 dated 22.05.2018 registered under Sections 302, 120-B and 34 of IPC, at Police Station Narnaul, District Mohindergarh.

Learned counsel for the petitioner contends that the name of the petitioner was involved only as a conspirator, who had the motive to get the deceased killed. However, the complainant has been examined before the Court as a witness, but he has not proved this allegation of the prosecution. Hence, neither the motive is proved against the petitioner nor is his involvement shown and proved by the complainant. Still further, it is submitted that the petitioner is in custody since 09.07.2018. The charge has already been framed. The complainant has been examined as a witness. The petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail.

On the other hand, learned counsel for the State, being instructed by ASI Vikas, submits that the name of the petitioner is duly mentioned in the FIR. It is further submitted that although the complainant

has not supported the version of the prosecution, however, he has been cross-examined by the public prosecutor and has been duly confronted with his statement made before the police. However, it is not disputed that in his statement made before the Court, the complainant has not named the petitioner even as a conspirator.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

11.03.2019
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No