

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

205

CRM-M-5863-2019 (O&M)

Date of Decision : 27.2.2019

Amit Kumar

....Petitioner

vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ravinder Singh Gill, Advocate for
Mr. G.S. Sidhu, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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 FIR No.55 dated 24.4.2018 registered under Sections 302/34 IPC, 1860 at police station Nathu Sarai Chopta, Sirsa.

As per the allegations, the complainant had received information that his father had been brought in injured condition to the hospital and when he went there his father was dead. Later, his mother had informed him that the petitioner and his co-accused had taken his father alongwith them and the complainant further alleged that there was an old enmity between co-accused and his father and that is why the petitioner and the co-accused had given injuries and killed him by sharp edged weapon.

The stand of the petitioner on the other hand was that this is a case of accident and it seems that the deceased was hit by some unknown vehicle and now the blame is sought to be put on him only because of old enmity.

A perusal of the medical report reveals that there are only lacerated wounds on the body and there is no incised wound or puncture wound.

Custody certificate dated 26.2.2019 by way of affidavit of Kuldeep Sharma, Superintendent, Observation Home, Hisar has been filed on behalf of the respondent-State, the same is taken on record. Copy has been supplied to the opposite counsel. As per the custody certificate the petitioner has been in custody for 10 months.

Learned AAG has argued that this is a case of circumstantial evidence coupled with last scene and prays that at least till such time as the last seen evidence i.e the mother of the complainant gives the testimony, the petitioner should not be released on bail. On instructions from ASI Ashok he has stated that the next date of hearing in the Trial Court is 3.4.2019 and the said witness will definitely appear to testify.

In the circumstances, it is directed that the petitioner be released on bail after the testimony of the said witness but in case the said witness does not appear to testify on the next date the petitioner be released on bail forthwith by the Trial Court.

Petition stands disposed of.

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

27.2.2019
anuradha

(AJAY TEWARI)
JUDGE

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