

209

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

C.R.M-M No.6596-2019 (O&M)

Date of Decision : 6.3.2019

Surender @ Shankar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Virender Soni, Advocate
for the petitioner.

Mr.Himmat Singh, DAG, Haryana.

Mr. Rajesh Hooda, Advocate for
Mr. Harsh, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

Prayer in the present petition filed under Section 438 of the Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No.227 dated 2.5.2018 registered under Sections 302, 365, 120-B IPC at Police Station Sampla, District Rohtak.

The allegation is that the petitioner alongwith co-accused caused the death of the deceased. The case of the petitioner on the other hand was that the deceased alongwith co-accused was sitting and drinking and probably also indulging in some other substance abuse and during that binge he lost his consciousness and at that stage the petitioner was called and the only role was that he took the deceased to the hospital. On the

other hand it is the case of the prosecution that incident took place 200 yards from the PGIMS, Rohtak yet the petitioner first took the deceased at some private hospital at Sampla and then brought him back to Rohtak and actually the deceased had already died before even being taken to Sampla. As per the prosecution, this shows guilty intent and therefore it is their case that custodial interrogation of the petitioner is very much required.

Counsel for the petitioner has prayed that interim bail should be granted to the petitioner and he would be willing to undergo polygraph test and the question of extension of the bail can be decided after result of the polygraph test.

Counsel for the complainant and the learned DAG have very fairly stated that they would not oppose the demand for polygraph test but the petitioner must be in custody at that time. I find favour in this argument. Learned DAG on instructions from ASI Rajesh Kumar has stated that they require 2-3 days to prepare the questionnaire which has to be put to the petitioner.

In the circumstances, it is directed that the petitioner would surrender on 11.3.2019 at 8:00 a.m and he would be taken to FSL, Madhuban directly and administered the polygraph test. The Director, FSL, Madhuban would ensure that result of the polygraph test is released both to the petitioner and the complainant side forthwith. Thereafter, the petitioner would move an application for regular bail and in case he does so the Trial Court shall decide the same expeditiously in any case within three days.

Petition stands disposed of in the above terms.

A copy of this order be handed over to the learned DAG and

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

6.3.2019
anuradha

(AJAY TEWARI)
JUDGE

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