

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

**Criminal Misc. No. M-22446 of 2018
Date of decision: 09.01.2019**

Ladhu Ram

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Salil Bali, Advocate
for the petitioner.

Mr. R.S. Doon, AAG, Haryana
for the respondent -State.

Mr. Kulbhushan Raheja, Advocate
for the complainant.

Daya Chaudhary, J.

Petitioner-Ladhu Ram has approached this Court by way of filing the present petition under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.15 dated 04.02.2018 registered under Sections 201, 302 read with Section 34 IPC at Police Station Nathusri Chopta, District Sirsa.

Learned counsel for the petitioner submits that petitioner has been implicated in the case on the basis of disclosure statement whereas no evidence was there to show that the petitioner was involved in commission of offence. No recovery was effected from the petitioner and he has been connected with the offence only on the ground that shoes of deceased-Suresh Kumar were got recovered as per demarcation report. The petitioner

did not cause any injury to the deceased and the dead body was recovered from the Canal, which was not identified. Learned counsel further submits that the petitioner was ready to undergo scientific test i.e. polygraphy, narco and brain mapping. A specific representation was also made by the petitioner in this regard. The petitioner also filed Criminal Misc. No. M-19015 of 2018 for direction to S.P. Sirsa to decide his representation and to conduct all scientific tests just to prove that he is innocent but still no action was taken. As per post mortem report, only four abrasions were there on chest, nose, chin and cheek. There was no other injury on the person of the deceased. The doctor did not give any cause of death in the post mortem report and the same was to be given after receipt of Chemical Examiner's report and Histopathological examination. Learned counsel also submits that the accused persons and the deceased have been shown to be present in the cultural program of children in a school and thereafter, they went to a hotel where they took drink and food. Some altercation took place between the parties and the deceased went to his village. Thereafter, the petitioner and co-accused went away from the place of occurrence. In the next morning, the dead body of the deceased was found floating in the Canal Minor and it might be due to the influence of liquor as deceased consumed liquor. The deceased left for his village and he might have fell down in the Canal. Learned counsel also submits that out of total 22 prosecution witnesses, five material witnesses have been examined. The petitioner is in custody since 07.02.2018.

Learned State counsel has not disputed the custody period as well as stage of trial but has opposed the submissions made by learned

counsel for the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Admittedly, it is a case of circumstantial evidence as dead body of the deceased was found floating in the Canal. As per allegations levelled in the FIR, the petitioner and co-accused as well as deceased were together and they took liquor and food. Even the dead body of the deceased could not be identified by the family members. All the material witnesses have been examined. The petitioner has been implicated in the case on the basis of disclosure statement but no evidence has been collected during investigation to show his involvement in commission of offence. The petitioner himself filed petition before this Court for direction to decide the representation and even he was ready to undergo the scientific tests. The allegations are matter of evidence, which shall be tested by the trial Court during trial.

Accordingly, the present petition is allowed and the petitioner (Ladhu Ram) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

09.01.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No