

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14126-2019

Date of decision-31.05.2019

Krishan

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Kumar Sharma, Advocate for the petitioner.
Mr. Sukhdeep Parmar, DAG, Haryana assisted by
ASI Jitender Singh.

MANOJ BAJAJ, J.

Petitioner-Krishan has prayed for grant of regular bail in case FIR No.104 dated 23.02.2018 under Sections 302 and 201 read with Section 34 of Indian Penal Code (Section 3 (2) (v) SC & ST Act added later on) registered at Police Station Sadar Rohtak, District Rohtak. The petitioner is in custody since his arrest on 23.03.2018.

The FIR was registered on the basis of the statement given by Anup Sarpanch son of Bani Singh and the same reads as under:-

“Statement of Anup Sarpanch son of Bani Singh, caste Jat, Village Singhpura Khurd, aged 48 years 9896725615, stated that I am a resident of above mentioned address and at present sarpanch of village. Today I was going for early morning walk at drain No.8, I found the dead body of an unidentified person. When I saw closely, the hands and feet of the victim had been tied and blood was oozing out from his forehead. That some unknown person murdered this unknown person at some unknown place and with an intention to destroy the evidence, the dead body has been thrown in the drain. The time would be at about 10.00 a.m. Thereafter, I had informed the police.”

Learned counsel for the petitioner contends that it was a dead body which was recovered and the offences punishable under Section 302

and 201 IPC were added subsequently on the statement of Ved Pal. The deceased was identified as Parveen son of Om Parkash and prosecution on the strength of statement of Ved Pal (uncle of Parveen) proceeded to add the offences punishable under Sections 302 and 201 IPC, as it was stated by him that he had seen victim with the petitioner on 20.02.2018. Learned counsel for the petitioner contends that there is no reason to justify the delay in recording the statement of the uncle of the deceased on 10.03.2018, particularly when deceased was cremated on 24.02.2018. According to him, in all there are 30 witnesses and only one has been examined.

On the other hand, learned State counsel assisted by ASI Jitender Singh opposed the bail application. According to him, on the basis of the statement of Ved Pal, the participation of the petitioner is established in the crime. However, it is not disputed that only one witness has been examined so far after framing of charges on 26.09.2018.

Considering the fact that trial is likely to consume more time, this Court is of the opinion that further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Rohtak.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

31.05.2019

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No