

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

CRM-M-31746-2018 (O&M)

Date of decision: 16.01.2019

Rahul @ Kaka

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Surender Saini, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 337 dated 22.06.2017, registered under Sections 302, 34 and 201 of the IPC, at Police Station Ganaur, District Sonapat.

Learned counsel for the petitioner submits that it is the own case of the prosecution that Tarun and Vishal had committed the murder of one Hinesh and the petitioner has been arrested on the basis of disclosure of co-accused Tarun. On the basis of the said disclosure, when the petitioner was arrested, blood stained pant of the deceased and documents of the three wheeler, on which the deceased was a driver, were recovered from the petitioner/accused.

Learned counsel for the petitioner further submits that statement of some of the witnesses has been recorded and has relied upon statement of PW-5 Bhim Sen and PW-6 Chaman Lal to submit that no evidence has come on record to show that the petitioner was involved in the

commission of offence. It is further submitted that in the cross-examination of Chaman Lal when he was confronted with his statement Ex. PW6/A, it was found that he is known to only Tarun and other accused persons were not known to him and he had given description of the accused to the police which was not recorded in his statement Ex. PW6/A.

Learned State counsel submits that in the statement of PW-5 Bhim Sen, a witness of 'last seen', it is stated that the auto was booked by co-accused Tarun along with his two friends and deceased Hinesh was seen in their company. It is further argued that PW-6 Chaman Lal, in his examination-in-chief, has stated that on 21.06.2017, the accused, present in the Court, got the auto booked for Ganaur and they boarded the auto and left for Ganaur and at that point of time, deceased Honey @ Hinesh was also with them and, therefore, as per this witness of 'last seen', the presence of the petitioner was found at the spot.

After hearing learned counsel for the parties, I find no ground to grant concession of regular bail to the petitioner especially in view of the statements of PW-5 and PW-6.

Therefore, this petition is dismissed.

January 16, 2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No