

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

CRM-M No.46361 of 2018

Date of Decision: 08.02.2019

Monu

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Balkar Singh, Advocate
for the petitioner.

Mr. Chetan Sharma, A.A.G., Haryana.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to petitioner in case FIR No.477 dated 30.09.2017 registered under Section 304/34 IPC at Police Station Rai, District Sonapat (initially the FIR was registered under Section 304/34 IPC but later on, it was converted into the offence under Section 302 of the IPC).

Learned counsel for the petitioner submits that the case is based on circumstantial evidence and no person has witnessed the occurrence. However, on the basis of statement of the complainant, the present petitioner has been involved. No incriminating evidence has been collected during investigation. Co-accused of the petitioner, namely, Sonu has been released on regular bail vide order dated 14.09.2018 passed in **CRM-M No.27757 of 2018**. Learned counsel also submits that statement of last seen witness, namely, Kamal has been recorded, who has not supported the case of the prosecution. The petitioner is in custody since 01.10.2017.

Learned State counsel has not disputed the custody period and releasing of co-accused, namely, Sonu on regular bail. However, he has opposed the submissions made by learned counsel for the petitioner on the ground of seriousness of offence.

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

Undoubtedly, the case is based on circumstantial evidence. Nothing has come in the statement of the complainant and brother of the deceased. The petitioner is in custody since 01.10.2017. Co-accused of the petitioner, namely, Sonu has already been released on regular bail. The last seen witness, namely, Kamal has not supported the case of the prosecution.

Accordingly, by considering the custody of the petitioner; his parity with co-accused and the fact that last seen witness has not supported the case of the prosecution, the present petition is allowed and petitioner, namely, Monu is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

08.02.2019
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No