

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-26186-2019 (O&M)
Date of Decision:-5.7.2019

Sandeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Himmat Singh Deol, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

It may here by clarified that although the petitioner is in custody and seeks regular bail but in the heading of the petition it is mentioned that it is the first application under Section 438 Cr.P.C. for grant of anticipatory bail.

Necessary corrections be carried out accordingly under signatures of Bench Secretary of this Court, so that the order that is issued by office of this Court is issued by mentioning the correct heading.

Mr. Kanwar Satbir Singh, Advocate has today put in appearance on behalf of the complainant and has filed power of attorney, which is taken on record.

The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.254

dated 30.9.2018 registered at Police Station Kasola, District Rewari under Sections 302, 120-B and 34 of Indian Penal Code, 1860.

The FIR was lodged at the instance of Mohit, wherein it has been alleged that on the day of occurrence, when he went to his tubewell to untie the cattle, he found his uncle lying there in a pool of blood. It is alleged that his uncle had been caused injuries with sticks on his head. The complainant suspected that his uncle had been murdered by Lal Singh, Gajraj, Rakesh, Gian Chand and Jaipal with whom they were having land dispute.

The learned counsel for the petitioner has submitted that it is a case of blind murder and that, in any case, the petitioner is not even named in the FIR although five persons are suspected to be the assailants. It has further been submitted that the petitioner is sought to be nominated as an accused on the basis of a disclosure statement made by another co-accused Naveen Kumar.

The learned State counsel, while opposing the petition, has submitted that pursuant to disclosure statement made by the petitioner one iron rod had been recovered. It has, however, been informed that the petitioner has been behind bars since the last more than nine months.

The learned counsel for the complainant has further submitted that although the petitioner is not specifically named in the FIR, but he is son of Lal Singh, who is named in the FIR.

I have considered rival submissions addressed before this Court.

Since, the case in hand is based on circumstantial evidence and it is the disclosure statement of co-accused on which the petitioner is sought

to be nominated and the admissibility and veracity of the said disclosure statement is yet to be tested, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars especially since the petitioner has already been in custody since the last more than nine months. The petition, as such, is accepted and the petitioner Sandeep is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands accepted accordingly.

5.7.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No