

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

**Criminal Misc. No.M-41451 of 2019(O&M)
Date of Decision: December 09, 2019**

Bijender		...Petitioner
	Versus	
State of Haryana		...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Vikas Gulia, Advocate for the petitioner.

Mr.Saurabh Girdhar, AAG, Haryana.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of bail in case FIR No.92 dated 20.08.2017 under Sections 302/34 IPC (Sections 404, 201 IPC added lateron), Police Station GRP Sonapat.

The FIR was registered on the statement of one Karambir stating that he was doing labour work. His nephew Rinku had gone to Gannaur for some work on 11.08.2017. He did not return back that night. Thereafter, information was received that Rinku's dead body was found on the railway track at Sonapat. It was also learnt that Rinku's wife Monica had illicit relations with Bijender – petitioner and Ravinder s/o Rajpal. Due to the said relationship many times angry verbal exchanges took place between Rinku, Ravinder and Bijender and there were differences between the deceased and his wife. It was alleged that due to that reason those persons took Rinku to Gannaur. When they reached Garhi Jajhara, they caused the death of Rinku by throwing him in front of the train. Strict legal action was requested against Bijender and Ravinder.

totally innocent. He has been wrongly named as accused. As per the postmortem examination report, the cause of death of Rinku was due to multiple injuries leading to shock and hamerrohage, which were all possible due to railway accident, which was ante-mortem in nature and sufficient to cause death in the ordinary course of nature. He further states that 15 out of 29 witnesses have been examined including PW7 Monica and PW9 the Investigating Officer. Monica has denied that she had any illicit relations with the petitioner. Nothing incriminating has come against the petitioner.

Ld. Counsel for the State, on the other hand, stated that the case is based on circumstantial evidence and the prosecution has collected evidence in the shape of CCTV footage, in which the petitioner has been shown withdrawing money through ATM card of Rinku, after his death. Ld. Counsel for the petitioner has in turn argued that the deceased was his cousin. The use of ATM card of the deceased cannot lead to any conclusion that the petitioner is responsible for his death.

The petitioner is in custody since 12.09.2017. The material witnesses in the case have already been examined.

In view of the above, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

December 09, 2019

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No