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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44157-2019
Date of Decision: 03.12.2019

Chaman

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manish Soni, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in a case FIR No.130 dated 17.03.2019, under Sections 302/201/34 IPC, registered at Police Station Sector-10, Gurugram, District Gurugram. He is in custody since his arrest on 21.03.2019.

The FIR in the present case was registered on the statement of complainant Mannu Lal, wherein it was stated that on 16.03.2019 at about 7:00 P.M., Puneet, Aman, Sahil had taken his younger son Amrit Kumar on a motorcycle and were demanding ₹500/- from his son. When his son did not come late in the night, he searched him. Next morning, he came to know that the said three persons including Archit, Jhota, Chaman and Gaurav had taken his son in a three wheeler and they had murdered his son Amrit Kumar due to enmity on account of not receiving the money and had kept concealed his dead body in a drainage near village Nawada. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that as per the

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version of the complainant himself, his son Amrit Kumar (deceased) had left the house with three accused persons, namely, Puneet, Aman and Sahil. He submits that the name of the petitioner and three others were introduced subsequently. It is pointed out that the victim died of strangulation and the said act is attributed to co-accused Archit and Jhota. He has invited the attention to the disclosure statement of accused Sahil in that regard. He states that the investigation of the case is complete and challan has been filed, therefore, further detention of the petitioner may not be justified.

On the other hand, learned State counsel on instructions from ASI Sarjeet Singh, has opposed the prayer. He submits that though the name of the petitioner was given by the complainant later on, but the disclosure of co-accused Sahil is clear about his involvement in the crime. Further, it is not disputed that as per the said statement, the act of strangulation is attributed to co-accused Archit and Jhota.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court Gurugram.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

03.12.2019
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Whether speaking/reasoned Yes
Whether reportable No

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