

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

CRM-M-62309-2018 (O&M)

Date of Decision:- 14.1.2019

Islam

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashit Malik, Advocate for the petitioner.

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

Mr. Manoj Sharma, Advocate for the complainant.

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GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No.220 dated 28.9.2017 at Police Station Quilla Panipat, District Panipat under Sections 364, 365, 302, 201, 120-B and 34 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959.

The FIR was registered at the instance of Vinod, wherein it has been alleged that on 24.9.2017 his son Monu received a call from some boy asking him to come to U.P. On 25.9.2017 his son informed that he is leaving for village Diddu Khera (U.P.) i.e. his maternal uncle's village but he did not reach there. On 27.9.2017 his son called his mausi (aunt) Suman telephonically and informed her that he had been kidnapped by son-in-law of

Phool Hassan. The complainant has alleged that he suspects that his son had been kidnapped by Phool Hassan, his brothers Shada, Mahenda and Kaptan. It is further the case of prosecution that subsequently i.e. on 10.10.2017, the complainant made a supplementary statement, wherein he alleged that his son Monu had enticed away Sonia, daughter of Phool Hassan, because of which Phool Hassan and his family nursed a grudge against his son and that he suspects that due to the said grudge Mehendi Hassan, Dilshad, Kaptan, Islam, Sinha and Intzar had conspired and has got his son killed though through Azad and Wazid.

It is further the case of prosecution that aforesaid Azad was arrested and upon his disclosure statement, the dead-body of Monu was recovered and he admitted that he alongwith Wazid (petitioner) had killed Monu.

The learned counsel for the petitioner has submitted that the present case is a case of blind murder and that the petitioner has been involved merely on the basis of suspicion.

On the other hand, the learned State counsel assisted by the learned counsel for the complainant has submitted that since Azad, who had initially been arrested and had made a disclosure statement leading to recovery of dead-body of Monu and who had also named the present petitioner, the complicity of the petitioner is evident and no case for grant of bail is made out.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the present case is based totally on circumstantial evidence and also that the petitioner has been behind bars since the last more than one year and 2 months and that not even a single

witness has been examined so far and that conclusion of trial is likely to take some time, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Islam is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This present petition stands accepted accordingly.

14.1.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No