

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50248-2019 (O&M)
Date of decision: 02.12.2019

Sunil Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sumit Sangwan, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.450 dated 08.11.2018 under Section 302 IPC, registered at Police Station Badhra, District Charkhi Dadri.

Learned counsel for the petitioner submits that in the FIR, registered at the instance of Ravinder son of Sher Singh, it is stated that they are four brothers namely Mahender, Jail Singh, Sandeep and Ravinder and his brother Sandeep and his sister's son (bhanja) Sunil-petitioner were sleeping in the house of Sandeep on 07.11.2018. In the morning, he found that his brother Sandeep was lying dead on the cot. It is further stated in the FIR that since the petitioner, who was sleeping with the deceased Sandeep, was not present at home, the action may be taken. It is further submitted that thereafter, the police arrested the petitioner on 16.11.2018 and during the prosecution evidence, three witnesses have been examined i.e. PW1 Ravinder, who has not supported the prosecution version and was declared hostile. Even during his cross-

examination by the Public Prosecutor, he resiled from the statement made by him before the police. Learned counsel further submits that even two other real brothers of deceased Sandeep namely Mahender and Jai Singh appeared as PW2 and PW3 and they have also not supported the prosecution version and were declared hostile.

Learned counsel for the petitioner has argued that since the evidence against the petitioner is circumstantial, the complainant having been resiled, the petitioner is entitled to concession of regular bail, as he is in custody for the last more than 01 year and is not involved in any other case.

Learned State counsel, on instructions from SI Prem Singh, has opposed the prayer for bail on the ground that there is some forensic evidence, which is yet to be proved and it may connect the petitioner with the commission of offence.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more than 01 year; he is not involved in any other case and the complainant and his two real brothers, who are real brothers of deceased Sandeep also, have not supported the prosecution version, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

02.12.2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No