

CRM-M-40314-2019

Date of decision: 11.02.2020

SANDEEP @ BUDHA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mohan Singla, Advocate for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

VIVEK PURI, J. (ORAL)

Petitioner is seeking regular bail with regard to the case registered vide FIR bearing No. 71 dated 16.07.2017 registered at Police Station G.R.P., Sonapat under Sections 302, 201, 202, 34 IPC on the basis of the complaint submitted by Sarla alleging that her son Dinesh was unmarried and scuffle took place between Dinesh and Manish about 5-6 months ago. Thereafter, both of them started living like friends. Sandeep S/o Suresh petitioner alongwith Manish and two other boys had been visiting the house to call Dinesh deceased.

On 10.06.2017, Dinesh was found dead on the railway track with cut neck. The husband and brother-in-law of the complainant have mentioned the reason of death as suicide. The complainant suspected that the deceased might have been placed on the railway track after committing his murder by Manish, Sandeep-petitioner and his other two friends.

It has been stated by the learned counsel that the petitioner that he is being falsely implicated. There is a delay of 37 days in the lodging of the FIR. The injuries on the person of the deceased were antemortem. The petitioner

witness to the last seen evidence has not supported the prosecution version.

On the contrary, it has been pointed out by the learned State counsel that the petitioner has made confession to the effect that they had strangled the deceased and thrown the dead body on the railway track.

It is significant to note that there is a delay of 37 days in the lodging of the FIR. The father and uncle of the deceased suspected it to be a case of suicide. The witness of last seen has not supported the prosecution version. It is significant to note that as per the post mortem report, head and neck were found to be separated besides the upper limb was also separated from the rest of the body.

As per the post mortem, the information was furnished to the effect that the deceased has committed suicide by coming under the train and furthermore, all the injuries have been mentioned to be antemortem in nature.

In such circumstances, a doubt is raised with regard to version as to whether the deceased was strangled and then thrown on the railway track.

Accordingly, without expressing any observation on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

11.02.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No