



CRM-M-29466-2024 #1#

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-29466-2024

Date of Decision:-30.08.2024

Ankit.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sandeep Saini, Advocate for the Petitioner.

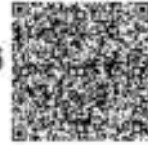
Mr. Karan Garg, Assistant Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this third petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.129 dated 01.06.2019 under Sections 302, 34, 201 IPC registered at Police Station IMT Rohtak, District Rohtak (Haryana).

2. The present FIR came to be registered at the instance of Sumitra wife of Jai Parkash and the same reads as under:-

“ To, The SHO, Police Station IMT Rohtak. Sir, It is submitted that I, Sumitra w/o Jai Parkash, Caste Jat, am a resident of Village Kanheli and I am a household lady. On dated 26.05.2019 in the morning, Pankaj had gone to Rohtak for some work. On that day in the evening at 10.17 PM, I received a call at my mobile No. 8059144432 from the mobile No. 8053500588 belonging to my son Pankaj, where Anil@ Sukka resident of Basantpur stated that Aunt, Pankaj is with me and I will bring him in the morning. My son did not return from that day. Yesterday on dated 31/05/2019, we reached at PGI Rohtak on getting information and family members identified deceased as my son Pankaj whose dead body was



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decomposed. My son Pankaj has been murdered by Sukka or his accomplice. Legal action be taken. Sd/- Sumitra 8059144432 dated 01/06/2019.”

3. During the course of investigation Anil @ Suka was joined in the investigation but as no evidence was found against him, he was exonerated.

On 13.06.2019 the statement of Rakesh son of Sh. Rajbir was recorded to the effect that he had seen the accused in the company of the deceased. Similarly, the statement of Suraj Parkash was recorded to the effect that the accused had made extrajudicial confession before him admitting to have committed the offence in question.

The recovery of half a brick was effected from the petitioner.

4. The counsel for the petitioner contends that the petitioner was a first time offender, has been in custody since 10.08.2019 and only 08 of the 20 Pws had been examined so far. The evidence of the witnesses of last seen and extrajudicial confession stood recorded. Therefore, the further incarceration of the petitioner was not required.

5. The Counsel for the State while referring to the reply dated 17.07.2024 contends that the nature of allegations levelled against the petitioner and his co-accused did not entitle him to the concession of bail. He however admits that the petitioner was a first time offender, in custody since 10.08.2019, that only 08 of the 26 Pws have been examined so far and that two material witnesses namely Rakesh and Suraj Parkash stood examined.

6. I have heard the learned counsel for the parties.

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial.



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Admittedly, the petitioner is a first time offender, in custody since 10.08.2019 and only 08 of the 26 Pws have been examined. This includes two material witnesses namely, Rakesh and Suraj Prakash. In this situation, the further incarceration of the petitioner is not warranted.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Ankit** son of Bijender is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 30, 2024
Vinay

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