

(2013) 11 P&H CK 0194

In the Punjab And Haryana At Chandigarh

Case No : Criminal M. No. M- 39538 of 2013 (O and M)

Sanjay @ Fagwa

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 28-11-2013

Acts Referred:

Citation : (2013) 11 P&H CK 0194

Hon'ble Judges : K.C. Puri, J

Bench : Single Bench

Advocate : P.S. Dhaliwal, for the Appellant; Kartar Singh, D.A.G., Haryana, for the Respondent

Final Decision : Dismissed

Judgement

K.C. Puri, J.—Petitioner Sanjay @ Fagwa has applied for grant of regular bail in FIR No. 260 dated 31.7.2011 u/s 302 IPC, registered at Police Station Sadar Bahadurgarh, District Jhajjar. The law was set in motion by recording the statement of Raghu Chaudhary who has stated that there was an altercation between the deceased and the petitioner. In the night the complainant and the petitioner slept in the room. Applicant-petitioner Sanjay @ Fagwa woke up at the night and started going outside. The complainant asked him why he was going outside, then he replied to him that he is not getting sleep, so he is going for a little walk. In the morning, Shivaji nephew of the complainant was found murdered. Sanjay @ Fagwa applicant was found missing. There is evidence of extra judicial confession and recovery of weapon from him. There is evidence of last seen also.

2. Counsel for the petitioner has submitted that Surinder Kumar, witness of the extra judicial confession has not supported the case of the prosecution.

3. In my view, that is not a ground for grant of bail, more so, when there is other evidence on the file.

4. So far as reliance of counsel for the petitioner on authority reported as

Sanjeev Kumar @ Sanju Vs. State of Punjab , is concerned, in that case the witness of extra judicial confession was a stock witness and the accused remained in custody for 2 years and 7 months.

5. The authority reported as Lovepreet Kaur Vs. State of Punjab, relied upon by counsel for the petitioner, is also distinguishable to the facts of the present case, as in that case star witnesses have not supported the case of the prosecution.

6. So far as authority reported as Swapna Singh Vs. U.T. Chandigarh, , relied upon by counsel for the petitioner, is concerned, in that case, lady doctor was the accused and she remained in custody for 3 years for murder of her own husband and 15 witnesses were yet to be examined. In those circumstances, bail was granted to her.

7. The authority reported as Takht Singh and Others Vs. State of M.P., , relied upon by counsel for the petitioner relates to the grant of bail after conviction. The accused remained in custody for more than 3 years and there was no possibility of appeal to be heard.

8. The authority in State of Rajasthan vs. Rajaram 2003 (4) RCR (Criminal) 238, relied upon by counsel for the petitioner, relates to final decision of the case after appreciating the evidence.

9. So, in these circumstances, no ground for grant of bail is made out.

10. Consequently, the petition stands dismissed. However, the trial Court is directed to expedite the trial, preferably within 9 months.