

(2003) 11 P&H CK 0046

High Court Of Punjab And Haryana At Chandigarh**Case No:** Criminal Miscellaneous No. 40116-M of 2003

Partap Singh

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Nov. 24, 2003**Citation:** (2005) 1 AICLR 211 : (2004) 4 RCR(Criminal) 1004**Hon'ble Judges:** Adarsh Kumar Goel, J**Advocate:** Mr. S.S. Dinarpur, Advocate. Mr. Rajesh Bhardwaj, Asstt. Advocate General, Haryana., Advocates for appearing Parties

Judgement

Adarsh Kumar Goel, J.

1. Heard.

The petitioner has been implicated for the alleged murder of Balwinder Singh. Balwinder Singh died on account of injuries received in an incident on 30.4.2003 and the deceased himself got the FIR registered and died after about five days. In the FIR, the petitioner was not named. Later on, name of the petitioner has been mentioned in statements under Section 161 Cr.P.C. to the effect that he was a part of conspiracy as he had made statement in February, 2003 to the effect that the deceased should be eliminated. Learned counsel for the petitioner submits that statement under Section 161 Cr.P.C. made on 10.5.2003 cannot be conclusive and the alleged involvement of the petitioner in conspiracy is yet to be proved and the petitioner should not be kept in custody as undertrial for long period, when the deceased had not named the petitioner. The petitioner is already in custody for about five months.

2. In the circumstances of the case, without expressing any final opinion on the merits of the case, the petitioner is granted bail to the satisfaction of the CJM/Duty Magistrate, Ambala.

The petition is disposed of.