

217

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.2093 of 2017
Date of Decision: 01.03.2017**

RAJBIR SINGH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Jitender Dhanda, Advocate
for the petitioner.

Mr. P.P. Chahar, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.165 dated 11.06.2016, registered under Sections 302/201 IPC at Police Station Barwala, District Hisar.

Prosecution story started with the allegations that Giani Ram uncle of the complainant Krishan Kumar went missing on 22.05.2016 from his house. Unknown dead body was recovered from Dabra *minor* on 26.05.2016. Postmortem of the dead body was conducted on 26.05.2016 in Agroha Medical College and the dead body was cremated thereafter. On 11.06.2016,

complainant moved an application raising suspicion against the petitioner on two counts. Firstly that the *chappals* of the deceased and that of petitioner were recovered near the *minor* of their village. Secondly, the petitioner has drawn an amount of Rs.1,30,000/- from the credit card of the deceased which was to be returned by him on 20.05.2016, but the same was never returned. After cremation of the dead body, complainant alleged that the clothes were that of his uncle Giani Ram. Petitioner was arrested on 18.07.2016 and suffered disclosure statement. Pursuant to his disclosure statement, motorcycle belonging to him was recovered by the Police which was allegedly used in taking the deceased to the canal.

Learned State counsel stated that only one prosecution witness has been examined so far and the petitioner is not involved in any other case.

Taking into consideration, the delay in lodging the FIR, cremation of the unknown dead body, alleged identification of the dead body by the complainant and recovery of motorcycle of the petitioner himself, I am of the *prima facie* view that the entire case is dependent upon circumstantial evidence, which needs to be minutely appreciated by the trial Court at the relevant stage.

At this stage, without adverting to the merits of the

case, prayer of the petitioner for grant of regular bail can be considered, as he is in custody since 18.07.2016.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 01, 2017.

(RAJ MOHAN SINGH)
JUDGE

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No