

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

CRM-M-11001-2017 (O&M)

Date of decision:18.12.2018

Khushi Ram

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Manish Soni, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Jagmohan Ghumman, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.224 dated 05.06.2016, Police Station Pataudi, District Gurugram, under Sections 302, 120-B & 34 of Indian Penal Code, 1860.

The FIR was registered at the instance of Ram Niwas wherein he has alleged that his son Vijay had left the house in the evening and on the next day i.e. 05.06.2016 he received an information that his

son is lying dead on an unpaved path leading from village Madanpura to Mirzapur. Upon receipt of said information the complainant went to the said disclosed place and found his son Vijay dead and it appeared that he had been murdered by way of strangulation with rope. The complainant suspected that Khushi Ram, Hoshiyar Singh, Kuldeep Singh and Bhoop Singh had killed his son by strangulating him on account of a land dispute.

Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that the only evidence against the petitioner is one alleged disclosure statement allegedly made by the petitioner pursuant to which mud stained clothes were recovered.

On the other hand, learned State counsel has submitted that since the petitioner is specifically named in the FIR, no ground for grant of bail is made out.

Having considered rival contentions addressed before this Court and bearing in mind that the present case is based totally on the circumstantial evidence and admissibility of the alleged circumstantial evidence i.e. the disclosure statement is yet to be tested and also that as on date only 11 PWs out of 29 PWs have been examined so far despite the fact that petitioner has been in custody since the last two and a half years, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

This petition stands accepted accordingly.

18.12.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**