

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

CRM-M No.16511 of 2018

Date of Decision: 20.11.2018

RohitPetitioner

Versus

State of HaryanaRespondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Ms. Garima Sharma, Advocate
for the petitioner.

Ms. Tanushree Gupta, D.A.G., Haryana.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed by petitioner-Rohit under Section 439 Cr.P.C for grant of regular bail to him in case FIR No.178 dated 06.04.2017 registered under Sections 302 and 201 read with Section 34 IPC at Police Station Sadar Bhiwani, District Bhiwani.

Learned counsel for the petitioner submits that it is a case of blind murder and even the complainant has not identified the dead body. The petitioner has falsely been implicated in the case, whereas, he was not involved. Learned counsel also submits that during investigation, the petitioner and co-accused were arrested on the basis of disclosure statement which is not admissible under law. Learned counsel further submits that all material witnesses have been examined and the petitioner is in custody since 14.04.2017. However, out of total 23 witnesses, 12 witnesses have been examined. Nothing has come in the statement of witnesses recorded so far.

Learned State counsel has not disputed the custody period as well as stage of trial. However, she has opposed the bail of the petitioner on

the ground that on the basis of tower location of the mobile, all accused were found to be present nearby canal wherein the dead body was found and recovery of knife was made from the petitioner.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

The custody period as well as stage of trial have not been disputed. Undoubtedly, the case is based on circumstantial evidence as it is a case of blind murder. Even the dead body was not identified by the complainant. The recovery of knife has been shown to be effected from the petitioner but no connecting evidence is there to show as to whether the same knife was used by him for commission of offence. The human blood has been stated to be found on the knife and handkerchief used by the deceased but it has not been compared with the blood of the deceased as no DNA test was conducted.

Accordingly, by considering the custody and without saying anything on the merits of the case and also the fact that all material witnesses have been examined, the present petition is allowed and petitioner, namely, Rohit is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

20.11.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No