

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

CRM No.M- 18083 of 2018

Date of decision: 04.07.2018

Sandeep

.....Petitioner

versus

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. V.P. Sangwan, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Rajbir Sehrawat, J.(Oral)

This is the petition under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case FIR No.76 dated 19.05.2017 under Sections 201, 302, 34 of IPC registered at Police Station Rewari, Distt. GRP, Ambala

Counsel for the petitioner submits that he is not connected with the crime in question. The only recovery fabricated against the petitioner was of a *danda*, which was not even sent for FSL for connecting the same to the killing of the deceased. Counsel further submits that the entire evidence in the case is based on circumstances only. There is no direct evidence. Counsel further submits that the petitioner is in custody since 15.05.2017 and only eight witnesses have been examined out of 23 witnesses. The trial is likely to take long time. The petitioner is not required for purpose of any investigation. The co-accused of the petitioner has already been granted bail.

On the other hand, learned State counsel; on instructions from ASI Suresh Kumar; submits that the purse of the deceased containing Aadhar Card and other personal belongings of the deceased was recovered at the instance of the petitioner. Counsel further submits that the other circumstances brought on record, point towards involvement of the petitioner in crime.

Counsel for the petitioner in reply submits even the allegations of the illicit relationship of the deceased is with the wife of brother of the petitioner; and not the wife of the petitioner. Therefore, there is no reason or occasion for petitioner to participate in the crime. The entire case of the prosecution in this matter is based on circumstantial evidence. So far as the recovery is concerned, learned counsel for the petitioner submits that even the investigating officer has not fully supported the case before the trial Court. Otherwise also the factum of an circumstances as to why the petitioner would take the purse of the deceased along with him when he might be involved in killing of that person on the basis of such articles is a moot point to be considered and decided by the Trial Court.

Therefore, in view of the submissions made by the learned counsel for the petitioner but without commenting upon the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail during the pendency of Trial subject to furnishing bail bond/surety to the satisfaction of the trial Court.

4th July, 2018

Manju

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No