

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRM-M-44121-2018 (O&M)

Date of decision:01.11.2018

Gurcharan @ Mintu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. N.S.Shekhawat, Advocate
 for the petitioner.

Mr. Surender Singh, AAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.99 dated 05.08.2015 under Sections 302, 201, 34 of IPC, registered at Police Station Raipur Rani, District Ambala.

Learned counsel for the petitioner contends that the petitioner is in custody since 14.08.2015. Although, the case had reached at the stage of defence evidence, however, the prosecution evidence has once again started by moving an application under Section 311 Cr.P.C., for leading an evidence of the alleged CD; showing the deceased with the present petitioner last time before his death. The CD has been sent to FSL. Earlier the DVR, sent to FSL has not shown any signal on testing by FSL. Counsel for the petitioner further submits that the remaining evidence of the prosecution has already been completed, however, even then there is no evidence to connect the petitioner with the crime. Still further, counsel for the petitioner submits that, in any case, this is a case of circumstantial evidence. The complicity of the petitioner will be a moot point.

On the other hand, learned State counsel, being instructed by ASI Devender Kumar, submits that there has been recovery of laptop of the deceased at the instance of the petitioner. However, counsel for the State has not disputed the fact that the CD containing the alleged evidence of the last seen has been sent for examination to the FSL and that earlier no data could be retrieved from the DVR from which the CD is prepared.

Be that as it may, however, the fact remains that the petitioner is in custody since 14.08.2015. As on today and the prosecution has once again reopened the evidence by seeking to place on record the CD, showing the alleged culpability of the petitioner.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

01.11.2018

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No