

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47277-2018 (O&M)

Date of Decision:- 11.12.2018

Kapil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anirudh Singh Shera, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Bhisham Kumar, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

Petitioner-Kapil seeks grant of regular bail in a case registered against him vide FIR No. 40 dated 14.2.2018, registered at Police Station Tigaon, District Faridabad, under Sections 302/201 of Indian Penal Code, 1860 and Section 3 of SC/ST Act.

The FIR was registered at the instance of Rohtash wherein it has been alleged that on the day of occurrence i.e. on 13.2.2018, Raji, Sandeep and Jai Parkash along with one more person came to their house at about 10/11 A.M. The complainant further stated that later they came to know that during night Rahul had consumed liquor along with Kapil and that they

suspect that their son Rahul who had been found dead in the fencing wire of Village Kabulpur had been killed by the said persons.

The learned counsel for the petitioner has submitted that the matter was investigated by the police and although Raji, Sandeep and Jai Parkash were found to be innocent, challan was presented against petitioner-Kapil only. It has further been submitted that there is no evidence worth credence to connect the petitioner with the alleged murder of Rahul and that in fact it is a case of blind murder. It has further been submitted that petitioner-Kapil is sought to be connected with the occurrence on the basis of one alleged disclosure statement of petitioner which led the recovery of clothes and one brick with which deceased Rahul had allegedly been done to death, whereas the admissibility and evidentiary value of such statement is yet to be tested.

On the other hand learned State counsel assisted by learned counsel for the complainant has submitted that during the course of investigation, clothes worn by the petitioner had been sent to FSL wherein upon examination it has been reported that the same were found to be stained with blood. It has thus been submitted that no case is made out for grant of bail.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the present case is solely based on circumstantial evidence which is mainly in the nature of a disclosure statement of the accused himself and also that the petitioner has been behind bars since the last more than 10 months and as on date only 4 PWs out of the cited 15 PWs have been examined, in my opinion, no fruitful purpose would

be served by further detaining the petitioner behind bars. Accordingly, petitioner-Kapil is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

This petition stands accepted accordingly.

December 11, 2018

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No