

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 47778 of 2017 (O&M)

Date of decision : 1.5.2018

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Bhim Bahadur Bhandari

.....Petitioner

vs.

State of U.T., Chandigarh

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. S.K. Agnihotri, Advocate
for the petitioner.

Mr. Rajiv Sharma, Advocate for U.T.,
Chandigarh.

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H. S. Madaan, J.

This petition for regular bail has been filed by petitioner –
Bhim Bahadur Bhandari, an accused in FIR No. 15 dated 25.1.2017,
for offences under Sections 302, 201 and 34 IPC, registered at Police
Station Mauli Jagran, Chandigarh.

Briefly stated, facts of the case, as per prosecution story are
that on 25.1.2017 complainant Sultan Singh, Forester, Chandigarh
Forest Department, posted at Beat Hallo Majra Forest area, at about
3.00 P.M. Was on patrol duty and he observed doused fire and on
going closure he observed a skull of a person and about 10 steps away

a half burnt human body. He informed the police stating that some persons had committed murder by chopping off the head and destroying the evidence, had tried to burn the body. Formal FIR was registered and the matter was investigated.

During the course of investigation, Kiran Singh s/o Narain Singh r/o village Chorpani, Police Station Ram Nagar, District Nainital was arrested on 5.2.2017, Bhim Bahadur Bhandari, Dil Bahadur and Sher Bahadur were arrested on 13.2.2017. After completion of investigation, challan has been filed against them and now they are facing trial.

The petitioner had filed a petition for regular bail before the Court of Sessions Judge, Chandigarh, which was dismissed vide order dated 6.11.2017. Now, the petitioner has knocked at the door of this Court, seeking similar relief.

The request is being opposed by the counsel for U.T., Chandigarh.

I have heard learned counsel for the petitioner, learned counsel for U.T., Chandigarh, besides going through the record.

Though the petitioner is not named in the FIR and there is no eyewitness of the incident, but that does not mean issuance of clean chit to him. His name has cropped up as a culprit during the investigation of the case. A criminal case can be established by circumstantial evidence also. Though it is stated that PW-2 Gurinder Singh has not supported the case of the prosecution and has been declared as hostile witness, but then there are other witnesses cited by the prosecution besides Gurinder Singh and mainly due to the fact

that Gurinder Singh is not supporting the prosecution case, does not mean that it is going to collapse for the said reason. The prosecution may be able to prove guilt of the accused by leading other evidence.

From the report sent by the trial Court it can be gathered that the trial is likely to be concluded within four months. The petitioner who is stated to be belonging to Nepal may, if granted bail, run away delaying the trial. Therefore, I do not find any merit in the petition for regular bail. The same is dismissed.

However, the trial Court is directed to conclude the trial expeditiously, by giving short adjournments, preferably within a period of four months.

1.5.2018
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(H.S. Madaan)
Judge

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