

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

CRM-M No. 731 of 2019

Date of decision : 21.02.2019

Upender @ Gunda

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Lovish Mittal, Advocate for the petitioner.

Mr. Rajesh K. Sheoran, Addl. A. G., Haryana.

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DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.178 dated 06.04.2017 under Sections 201/302 of the Indian Penal Code, 1860 (Section 34 IPC and Section 25/59 Arms Act added later on), registered at Police Station – Sadar Bhiwani, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated whereas he is not involved. The case is based on circumstantial evidence and the petitioner has not been connected with the commission of offence in any manner. Co-accused namely Rohit filed CRM-M No.16511 of 2018 and he has been released on regular bail vide order dated 20.11.2018. Similarly, co-accused Rishi alias Rakesh alias Alaha has been released on regular bail by learned Addl. Sessions Judge, Bhiwani vide order dated 01.12.2018. Learned counsel also submits that all

material prosecution witnesses have been examined. The petitioner is in custody since 14.04.2017 and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the custody period and also release of said two co-accused on regular bail.

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

By considering the custody of the petitioner since 14.04.2017 and also the fact that the case is based on circumstantial evidence as it is a case of blind murder and even the dead body was not identified by the complainant; co-accused Rohit and Rishi alias Rakesh alias Alaha have already been released on regular bail; all the material prosecution witnesses have been examined, no purpose would be served by keeping the petitioner in custody. Accordingly, present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

21.02.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No