

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44858-2018 (O&M)

Date of decision:01.07.2019

Mandeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ashwani Bhardwaj, Advocate, for the petitioner.

Mr. Munish Dev Sharma, DAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.209 dated 09.03.2018 registered under Sections 302, 120-B, 34 of IPC, at Police Station City Hisar.

It is contended by learned counsel for the petitioner that the name of the petitioner has been involved in the case only on the basis of alleged supplementary statement of the complainant. However, even in the supplementary statement, except attributing a motive to the petitioner, there is no allegation against the petitioner qua actual act of murder. Even during the investigation, the police claims to have recovered a mobile phone, allegedly used in the crime. However, that mobile phone belongs to the petitioner only and the only allegation qua the mobile phone is regarding the same having been used to have a conversation with the co-accused- Sandeep; regarding the movement of the deceased, pursuant to which the co-accused Sandeep allegedly committed murder of the deceased. However, even the co-accused Sandeep has already been granted bail by the trial Court itself. Therefore, there is nothing on record to show the culpability of the petitioner in the crime. Not only to this, the prosecution

has already examined before the trial Court as PW-1 Bijender Singh, the alleged eyewitness of the incident. But, even this witness has categorically deposed that he does not identify the petitioner as an accused in the case. Still further, it is submitted that there is no other case of any kind against the petitioner. The petitioner is in custody since 11.03.2018. Out of total 17 witnesses, only 03 witnesses have been examined so far. Hence, the trial is likely to take a longer time. The petitioner is not required for any further investigation purposes. Hence, the petitioner deserves to be released on bail.

On the other hand, learned State counsel, being instructed by ASI Rajesh, submits that the petitioner is involved in a heinous crime. The supplementary statement of the complainant has duly disclosed the motive with the petitioner to be involved in the crime. Even the mobile phone used in the crime have been recovered from the petitioner. However, it is not denied that the above said mobile phone belongs to the petitioner only. Still further, it is not denied that the co-accused, who is alleged to have actually committed the murder has already been released on bail by the trial Court itself and further that there is no other case of any kind against the petitioner.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

01.07.2019
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No