

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

219

CRM-M-22756-2019 (O & M)
Date of Decision:09.07.2019

Parveen

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Partap Singh, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.180 dated 25.02.2018, under Sections 302, 201, 460, 120-B and 34 IPC, registered at Police Station Sadar Hisar, District Hisar. Petitioner is in custody since his arrest on 04.03.2018.

The FIR was registered on the statement of Mukesh Kumar, which reads as under:-

“To the SHO, Azad Nagar, Hisar, regarding the missing of Courier person. Sir, Anil Kumar s/o Shri Rajesh Kumar r/o H. No.444, Gali No.8, Surya Nagar is working in our Company Ekta Courier company at Jindal Chowk Branch. He is aged about 23 years. He is having a slightly dark complexion and 5ft 7 inch in height and a medium built body. Today at about 9.30 AM he had gone to deliver the Courier vide Challan No.25005613, 40 PKT value of Rs. 3.80 Lac approximately on his motor cycle bearing registration No. HR-20AK-5094. His mobile Number is 98124-23925, 92555-59362 are switched off from morning

about 10.30 onwards. There is no clue regarding the boy till now. Kindly trace the boy alongwith the articles. Thank You. Sd/- Mukesh M:92545-45465 alongwith Sd/- Rajesh (Rajesh Kumar) father of Anil. ”

During investigation, petitioner along with others was indicted in the present case.

Learned counsel for the petitioner contends that the FIR was registered regarding missing of a person namely Anil Kumar and for offence punishable under Section 346 IPC. It is contended that after recovery of dead body of Anil Kumar, offences punishable under Sections 302, 201, 460, 120-B and 34 IPC were added. According to him, the petitioner was indicted on the basis of statement given by co-accused Varun. It is pointed out that the charges in this case were framed on 25.08.2018 and till date (more than a year), no witness has been examined so far by the prosecution. He contends that the entire case is based on circumstantial evidence and further custody may not be justified.

On the other hand, learned State counsel assisted by SI Anil Kumar has opposed the prayer. He contends that in fact the accused had hired a room where the alleged crime was committed. It is pointed out that the accused were seen purchasing petrol and they were captured in the CCTV footage. He submits that petrol was used for burning the dead body at a particular place i.e. a rented room. To a pointed query, learned State counsel is unable to point out any evidence regarding commission of crime in the said rented room, muchless any statement of the landlord. According to him, 26 mobile phones were with the victim (delivery boy) and after commission of crime, the accused went to Delhi for disposing of the phones and returned back to destroy the body.

At this stage, learned counsel for the petitioner has submitted that story put forth by the prosecution does not appear to prudence. It is contended that the petitioner is not involved in any other case and the trial is likely to consume some time.

Considering the above background and the fact that trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

09.07.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No