

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-30474-2019 (O&M)
Date of Decision:-24.7.2019

Ashish ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ramesh Hooda, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.473 dated 1.10.2018 registered at Police Station Beri, District Jhajjar under Sections 148, 149 and 302 of Indian Penal Code.

The FIR was came to be lodged at the instance of Rakesh, wherein it has been alleged that he usually visits his fields to supervise the watering of his fields. It is alleged that on 1.10.2018 when he went to his fields during the night, he saw that the door of the room, where his father used to sleep was bolted from outside. When the complainant went to the fields he did not even find his father there and he noticed that one person was lying on the side of the cemented road towards the village side. It was

noticed that the said person was his father and blood was oozing from his head and a white coloured baton was lying by his side. The complainant's father was found to have expired. The complainant suspected that his father had been done to death by Sanjay, Parmod, Vinod, Ashish, Sonu son of Smey Singh, Azad, Pardeep, Sonu son of Prem Singh, Vikas, Vishal, Ashok, Dilbagh, Paramjit, Titu, Deepal, Aman and Balraj.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case due to some party faction in the village as the deceased happened to be an Ex.-Sarpanch of the village. It has further been submitted that, in any case, it is a case of blind murder, based totally on circumstantial evidence and that the only evidence collected by the police during the course of investigation against the petitioner is that some confession of a co-accused namely Manjeet Singh was recorded, wherein he named the petitioner to be one of the assailants, although the said Manjeet Singh himself was never named in the FIR.

Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and that a co-accused has specifically named the petitioner, no case for grant of bail is made out. It has, however, been informed that the petitioner has been behind bars since the last more than nine months and, till date, only 1 prosecution witness out of the 20 cited prosecution witnesses has been examined.

Having considered rival submissions addressed before this Court and while noticing that it is a case based totally on circumstantial evidence, wherein the evidence against the petitioner is stated to be in the shape of a confession made by co-accused, the veracity and admissibility of which is yet to be tested during the course of trial, and while also noticing

that till date only 1 prosecution witness out of the 20 cited prosecution witnesses has been examined although the petitioner has been behind bars since the last more than nine months, the petition is accepted, and the petitioner Ashish is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands accepted accordingly.

24.7.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No