

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

CRM-M-7624-2020

Date of decision: **6.10.2020**

SANJAY

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sanjeev Majra, Advocate
for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.158 dated 8.2.2019 under Sections 365, 120-B, 201, 302, 34, 364-A, 404 IPC at Police Station Chandnibagh, District Panipat.
2. The FIR was lodged at the instance of Bilkesh (mother of deceased) wherein it is alleged that her son Shadab aged 22 years went to market at about 10:00 a.m. on 8.2.2019 but did not return back. It is alleged that at about 1:20 p.m. the complainant received a telephonic call from his son

on her mobile phone where he intimated that he had been abducted. Although the complainant and other members of her family made efforts to look for complainant's son but he could not be traced.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that there is no evidence worth credence to connect him with the alleged missing of complainant's son.
4. Opposing the petition, the learned State counsel has submitted that in the present case 2 of the co-accused namely Salman and Gaurav had been arrested who upon interrogation disclosed that they along with Sanjay (petitioner) abducted Shadab for the purpose of getting ransom but since they were unsuccessful, they murdered Shadab and threw his dead body in a river. Learned State counsel has submitted that from the call details collected during investigation, it has been found out that the petitioner had made calls to the deceased. The learned State counsel upon instructions from ASI Om Parkash has informed that the petitioner has been behind bars since last 1 ½ years and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and while keeping in view the fact that the petitioner has been nominated as an accused on the basis of disclosure made by co-accused, the veracity and admissibility of which would be debatable and while also noticing that the petitioner has been behind bars since the last 1 ½ years and that the petitioner is not involved in any other case, further detention of the

petitioner will not serve any useful purpose as conclusion of trial is likely to take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6.10.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**