

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-13834 of 2020 (O&M)

Date of decision:13.08.2020

Laxman

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Amit Aggarwal, Deputy Advocate General, Haryana.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM No.18194 of 2020

Prayer in the application is for placing on record the Annexures P-10 and P-11.

Application is allowed. Annexures P-10 and P-11 are taken on record.

CRM-M No.13834 of 2020

The petitioner is seeking regular bail in case FIR No.73 dated 08.04.2016 under [Sections 302, 201, 396, 120-B of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959](#) registered at Police Station Hassanpur, District Palwal.

Counsel for the petitioner has argued that there is a delay of 03 years in lodging the FIR. The dead body of the deceased Aakash Mishra was recovered on 29.05.2013 and the present FIR was registered on 08.04.2016. He has referred to the statement of brother of deceased, Bharat Mishra recorded before the police on 27.08.2013 (Annexure P-2) wherein while identifying the body of deceased, he did not name any suspect. According to the counsel, the petitioner has been framed on the basis of the disclosure statement of Bharat Mishra recorded almost 04 years later, on 03.05.2017 (Annexure P-4) wherein it was alleged that Kumar Pal had owed lot of money to Aakash Mishra towards rent of a vehicle. He hatched a conspiracy with the petitioner and other co-accused and murdered his brother. Counsel has further submitted that during investigation, two co-accused, namely, Sheesh Pal Chaudhary and Tek Chand were found innocent and the case against the petitioner is purely based on circumstantial evidence. He has also referred to the cross-examination (Annexure P-10) of Bharat Mishra-PW3 recorded in separate trial being conducted against another co-accused to submit that his information is based on hearsay.

On the other hand, State counsel upon instruction from ASI Tara Chand, has opposed the petition and submitted that the petitioner was a part of group of persons who conspired and murdered Aakash Mishra. He further submitted that the petitioner was arrested on 26.12.2019. He has further instructions to submit that challan has been filed on 14.02.2020 and charges were framed on 26.02.2020 but statements of none of the 32

prosecution witnesses has been recorded.

In the light of the above background, the involvement of the petitioner in the murder is debatable. Keeping in view the fact that the petitioner has undergone incarceration for a period of more than 07 months and the trial is likely to take sometime, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

August 13, 2020
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No