

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

217

**CRM-M-17897-2020(O&M)
Date of decision :30.10.2020**

NEERAJ @ NEERA

.....Petitioner

versus

STATE OF HARYANA

...Respondent

CRM-M-22952-2020 (O&M)

SURENDER @ KALA

. ...Petitioner

versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Chanderhas Yadav, Advocate
for the petitioner (in CRM-M-17897-2020)

Mr. N.K.Malhotra, Advocate
for the petitioner (in CRM-M-22952-2020)

Mr. Manish Bansal, DAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

By this order CRM-M-17897-2020 and CRM-M-22952-2020,
shall stands disposed of.

These two petitions have been filed by Neeraj @ Neera and
Surender @ Kala, for grant of bail pending trial in a criminal case arising
from FIR No.200, dated 03.05.2017, registered under Section 120-
B/201/302/346/34 IPC and Section 3(V)(2) of the Scheduled Caste and
Scheduled Tribes(Prevention of Atrocities) Act, 1989, at Police Station
Meham, District Rohtak.

Neeraj @ Neera is in custody since 02.07.2020, whereas

Surenders @ Kala is in custody since 22.07.2019.

Initially, the FIR was lodged by Smt. Nirmala Devi in May, 2017, under Section 346 IPC alleging that Kaptan, her son, the alleged deceased, had gone with his friend-Surender, but did not return. She has stated that she enquired from Surender but could not get any information on whereabouts of her missing son. At one stage, the police prepared a untrace report. .

Thereafter, in the year 2019, Parveen @ Bhola was arrested in some other criminal case and on his disclosure statement the petitioners were indicted as accused and investigation started. In the month of July, 2019, a highly decomposed human copse was recovered from a piece of agricultural land.

As per post mortem report, the approximate age of the deceased whose copse was recovered was between from 25-30 years, whereas as per the allegations in the FIR, Kaptan was aged about 19 years.

Learned counsel appearing for Surender @ Kala, while drawing the attention of the Court to paragraph 4 of the order passed by the learned Additional Sessions Judge, has stated that even as per the disclosure statement, the petitioner-Surender @ Kala left the spot after consuming liquor.

It may be noted here that the blood sample of the deceased's mother for conducting DNA was taken on 18.02.2019, however, the report has not been received.

The police, after completion of the investigation, has presented the challan on 16.10.2019.

Even as per the case of the prosecution, the copse was highly de-composed and not properly identifiable. Still further, the entire case of

the prosecution is based on disclosure statement and circumstances. There is no eye witness of the occurrence. At this stage, it cannot be with some confidence that the copse recovered was of Kaptan. Both the petitioners are in custody for more than 1 year and 3 months.

Without commenting on the merits of the case and keeping in view the fact that the petitioners are in custody for more than 1 year and 3 months and the trial of the case is likely to take a long time, the petitioners are directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly, the petition is allowed with the aforesaid directions.

October 30, 2020
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No