

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-17975 of 2020(O&M)
Date of Decision: 24.07.2020

Ajay @ Bhat

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Girotra, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

Present petition has been filed by the petitioner, namely, Ajay @ Bhat, under Section 439 Cr.P.C. for grant of regular bail in FIR No.0721, dated 13.10.2019, registered under Sections 302/34 IPC, at Police Station Shjivaji Colony, District Rohtak.

The gist of the case of the prosecution has been noticed by the learned Sessions Judge, Rohtak, in paragraph 2, which is extracted as under:-

“ 2. This case was registered on a complaint made by Vijay @ Bijender alleging that on October 13, 2019 telephonic intimation was received in P.S Shivaji Colony, Rohtak that an unclaimed dead body was lying in the drain along the fields and path on the Kakrana Baland Road. On receipt of the information, the ASI reached the spot where Vijay @ Bijender filed a written complaint disclosing that his sister Sumitra was married to Ravikesh @ Kesh r/o village Bahu Akbarpur. Ravikesh had died about 3-4 years ago. His nephew Amit who was previously a Security Guard with IIM, Rohtak was residing in his house. On October 12, 2019 Amit visited him at about 09.00/10.00 A.M. He had come on a motorcycle with an injury on his left foot. The complainant took him to the Government Hospital. Amit spent the day with the complainant and left with Parvinder s/o Kadam at about 09.00 P.M. On the following morning i.e. October 13, 2019

the complainant came to know about the discovery of the body of Amit from the drain. On the basis of the above information, the instant case was registered.”

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR. He submits that the petitioner is sought to be named as an accused on the disclosure statement of Parvinder, a co-accused, which would not be admissible in evidence. He further submits that there is neither any recovery from the petitioner nor he has any motive. He further submits that on conclusion of the investigation, the police report under Section 173 Cr.P.C has been filed and the prosecution intends to examine 23 prosecution witnesses, however, not even a single witness has been examined. He submits that the petitioner is in custody since 24.10.2019.

On the other hand, learned counsel for the State has submitted that the first informant had got recorded a supplementary statement on 16.10.2019, nominating 4 other accused apart from Parvinder. He submits that deceased Amit was jointly murdered by the petitioner and other co-accused.

This court has considered the submissions of learned counsel for the parties.

Investigation has already been completed. There is no recovery from the petitioner. Learned State counsel has further failed to bring to the notice of this court any substantive material to link the petitioner with the offence.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 24.10.2019 and

conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the present petition is allowed with the aforesaid directions.

(ANIL KSHETARPAL)
JUDGE

July 24, 2020
“nt”

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