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

**CRM-M-21188-2020 (O&M)
Date of Decision: 03.12.2020**

AMIT @ MEETA

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Ms. Monika Tanwar, Advocate
for the petitioner.

Mr. Rajiv Goel, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.291 dated 29.06.2019, registered under Sections 302 & 201 IPC at Police Station Safidon, District Jind.

The FIR was registered on the statement of Rohtash Ex.Sarpanch in respect of unclaimed body of a person. According to the prosecution case, when nephew of the complainant namely Kuldeep Singh was ploughing field by

taking a tractor on rent from Sandeep, he found dead body in an uncultivated field. The matter was reported to the Police. There were signs of injuries on the person of deceased. FIR was registered on 29.06.2019.

On 12.07.2019, petitioner, Labh and Vijay Kumar came to the Police Station and after seeing the photographs of the deceased identified him to be Satpal son of Subhash. Deceased was brother of the petitioner. According to the petitioner, his statement was also recorded. On 27.06.2019 at about 8.00 P.M., the deceased had left the house on his motorcycle and thereafter he did not return and his mobile was found to be switched off. FIR No.118 dated 07.07.2019 was registered under Section 346 IPC at Police Station Pillukhera.

After about six months of the occurrence/FIR, statement of grandfather of the deceased namely Vijay Singh was recorded by the Police under Section 161 Cr.P.C., in which he implicated the petitioner on the basis of last seen that too while they were consuming liquor on 27.06.2019. The petitioner along with Naresh @ Matra were alleged to consuming liquor on 27.06.2019 in their fields. Vijay Singh was allegedly prevented by the petitioner from going to the Police Station. On the basis of statement of Vijay Singh under Section 161 Cr.P.C., the petitioner and co-accused Naresh @ Matra were arrested and

their confessional statements were recorded in the context of their culpability in the murder of Satpal.

Learned counsel for the petitioner submitted that there is no other material to connect the petitioner with the alleged crime except the statement of his grandfather under Section 161 Cr.P.C. and self-incriminatory disclosure statement of the petitioner in police custody. Petitioner is in custody since 08.01.2020. Challan has been presented, but charges have not been framed so far.

Per contra, learned State counsel opposed the bail on the ground that as per Police investigation, the cause of death is by strangulation and the ligature mark was found on the neck of the deceased which was *ante mortem* in nature. During course of investigation, statement of grandfather of the petitioner namely Vijay Singh son of Giani Ram was recorded on 03.01.2020 and on the basis of aforesaid disclosure statement, petitioner was arrested on 08.01.2020 along with co-accused Naresh @ Matra and their disclosure statements were recorded to the effect that deceased Satpal was habitual drunkard and due to his misdeeds, the entire family was fed up. On the fateful day, the deceased was under the influence of liquor and the petitioner along with his accomplice Naresh @ Matra strangled him with *parna* and threw his dead body in the

field.

Motorcycle of the deceased has not been recovered from the petitioner. On the basis of aforesaid facts and material on record, the complicity of the petitioner would remain debatable.

At this stage without adverting to the merits of the case, and taking into consideration the stage of the trial, custody of the petitioner and the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

December 03, 2020

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No