

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

CRM-M-22511-2020 (O&M)

Date of Decision: 27.08.2020

Suraj @ Adha

... Petitioner

Versus

State of U.T. Chandigarh

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Dinesh Nagar, Advocate for the petitioner.

Mr. A.M. Punchhi, P.P. U.T., Chandigarh.

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TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner seeks benefit of regular bail pending trial in case FIR No.308, dated 13.10.2018, under Sections 302/34 IPC, registered at Police Station West Sector-11, Chandigarh.

Counsel for the parties have been heard.

In the instant case, FIR was registered on the statement of HC Gulab Singh.

As per HC Gulab Singh on 13.10.2018 while he was present in Police Station Sector-11, Chandigarh, a wireless message was received that one boy, namely, Sandeep, aged about 22 years had been brought dead in GMSH, Sector-16, Chandigarh. HC Gulab Singh along with a police party reached at Sector-16 hospital and found one youth admitted who had blood on his mouth, nose as also chest. Wound marks were found present on the neck, chest and backside. As such, FIR had been registered against unknown

persons of having murdered Sandeep.

Present petitioner is sought to be implicated on the strength of statements recorded of volunteer Harkesh and Constable Sunil, who are stated to be on patrolling duty on the intervening night of 12/13.10.2018.

It is a case of last seen evidence.

The statement of Mandeep i.e. brother of the accused had also been recorded before the trial Court and who has stated that on a previous occasion, he had an altercation with one Pardeep and who happens to be none other than the real brother of the present petitioner. As such, the angle of a motive had been introduced that the present petitioner along with other co-accused have murdered Sandeep on account of previous rivalry between Mandeep and Pardeep.

As per prosecution version, it is upon the disclosure of the present petitioner that a bag has been got recovered containing the blood stained clothes of the deceased, Sandeep.

Petitioner has been in custody since the month of October, 2018.

During the course of trial, 6 prosecution witnesses out of 29 cited have been examined.

Material witness i.e. Mandeep brother of the deceased has already been examined.

The evidentiary value of disclosure statement of the petitioner as also the statements of Constable Sunil and volunteer Harkesh would be an aspect to be dealt with by the trial Court against the backdrop of the entire evidence that may be led.

The Trial is not making any headway on account of the current Covid-19 pandemic.

In an overview of the matter and coupled with the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

27.08.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |