

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-22811 of 2020
Date of Decision: November 03, 2020

Mukul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Nisha, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.180 dated 25.02.2018, under Sections 302, 201, 202, 212 and 392 IPC, registered at Police Station Sadar, Hisar. The petitioner is in custody since his arrest on 03.03.2018.

The FIR was registered on the statement of Mukesh Kumar, which reads as under:-

“To the SHO, Azad Nagar, Hisar, regarding the missing of Courier person. Sir, Anil Kumar s/o Shri Rajesh Kumar r/o H. No.444, Gali No.8, Surya Nagar is working in our Company Ekta Courier company at Jindal Chowk Branch. He is aged about 23 years. He is having a slightly dark complexion and 5ft 7 inch in height and a medium built body. Today at about 9.30 AM he had gone to deliver the Courier vide Challan No.25005613, 40 PKT value of Rs. 3.80 Lac approximately on his motor cycle bearing registration No. HR-20AK-5094. His mobile Number is 98124- 23925, 92555-59362 are switched off

from morning about 10.30 onwards. There is no clue regarding the boy till now. Kindly trace the boy alongwith the articles. Thank You. Sd/- Mukesh M:92545-45465 alongwith Sd/- Rajesh (Rajesh Kumar) father of Anil. ”

During investigation, petitioner along with others was indicted in the present case.

Learned counsel for the petitioner contends that initially the FIR was registered regarding missing of a person, namely, Anil Kumar and after recovery of his dead body, the offences punishable under Sections 302, 201, 460, 120-B and 34 IPC were added. He further contends that the prosecution case is based upon circumstantial evidence and the co-accused of the petitioner have already been granted the concession of regular bail by this Court vide orders dated 09.07.2019 and 26.08.2019 (Annexures P-3 and P-4). He further submits that the petitioner was indicted as an accused on the basis of a disclosure/confession suffered by co-accused and the said evidence is comparatively weak in nature. It is pointed out by him that though the charges were framed on 25.08.2018, but the trial is likely to consume considerable time to conclude. He prays for grant of bail, during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Vinod has opposed the prayer and contended that the accused had hired a room where the alleged crime was committed. He has argued that the victim was carrying 26 mobile phones with him and the accused after commission of crime, went to Delhi for disposing off the phones and returned back to destroy the body. It is pointed out by him that only one witness has been examined so far out of total forty two prosecution witnesses.

After hearing the learned counsel for the parties, this Court

finds that the case of the petitioner is at par with the other co-accused and the trial is likely to consume considerable time to conclude in the wake of outbreak of pandemic COVID-19 in the region. The petitioner is presently confined in judicial custody since 03.03.2018 and his further detention may not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Hisar.

November 03, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No