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

CRM-M-25953-2020 (O&M)

Date of Decision: 18.09.2020

Anil alias Lila

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ramnish Puri, Advocate,
for the petitioner.

Mr. Anml Malik, DAG, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

CRM-21805-2020

Allowed as prayed for.

CRM-M-25953-2020

This is a petition for regular bail filed under Section 439 Cr.P.C. on behalf of the petitioner in case FIR No.603 dated 13.11.2017, under Sections 302 (120-B & 34 added later on) of the IPC and Section 25 of the Arms Act, registered at Police Station Kharkhoda, District Sonipat.

[2]. Ld. Counsel for the petitioner has sent by e-mail a copy of the supplementary statement given by the complainant which was recorded under Section 161 of the Cr.P.C. on 14.11.2017. On perusal of the same, it is seen that the source of the complainant's knowledge regarding the involvement of the petitioner in the murder of his uncle Satbir was on the basis of the apprehensions repeatedly expressed to him by his deceased uncle to the effect that he could be killed at the instance of the present

petitioner, and the complainant further stated that on the date of lodging the FIR, he was unable to disclose these facts as he had lost his mental state due to his uncle's death.

[3]. Apart from this supplementary statement of the complainant which admittedly cannot be regarded as any substantive piece of evidence and is essentially based on the apprehensions expressed to him by the deceased, and the fact that even the petitioner's name in original FIR was on account of the same reason that the petitioner nursed a grudge against the complainant's uncle, after the latter was acquitted of the charge of murder of one Raman, cannot be regarded as very cogent material to reasonably hold that only the petitioner was necessarily the person, who could have been behind the murder of the complainant's uncle, since no corroborating evidence to support this appears to have been collected during the investigation.

[4]. For the above reasons and considering that by now the petitioner has remained in detention in the present case for more than 2 years and 10 months since 17.11.2017, at this stage, without commenting any further on the merits of the present case as a whole, but in view of the detention undergone by the petitioner, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[5]. Disposed off.

18.09.2020

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No