

210

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

**CRM-M No.29084 of 2020
Date of Decision: 28.09.2020**

JEET

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

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

Present: Mr. Amit Jhanji, Advocate
for the petitioner.

Mr. Rajat Gautam, 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 in his second attempt under Section 439 Cr.P.C in case bearing FIR No.346 dated 07.06.2015, registered under Sections 302/201, 202/392/396/404/412/120B IPC and Section 25 of the Arms Act at Police Station Rohtak Sadar, District Rohtak. Earlier petition bearing CRM-M No.45832 of 2017 was got dismissed as withdrawn by the petitioner.

The FIR was registered at the instance of Dalbir Singh,

who alleged that when he had gone for a walk in the evening on 07.06.2015 on the road opposite to Hotel, he saw that two dead bodies wrapped in blankets were lying in a pit. There were signs of injuries on the dead bodies. It was alleged that some unknown persons had murdered the said two persons and left their bodies in order to destroy them.

Co-accused Amandeep Singh @ Raju and Iqbal Singh @ Kali were arrested in FIR No.125 dated 09.06.2015 under Sections 379/411 IPC and Section 15 of the NDPS Act, P.S. City, Mandi Gobindgarh, District Fatehgarh Sahib. The truck was taken into police possession. Petitioner was nominated in the disclosure statements of said Amandeep Singh @ Raju and Iqbal Singh @ Kali. The deceased were driver and conductor of the said truck.

Learned counsel for the petitioner submitted that Iqbal Singh @ Kali has been granted regular bail by this Court vide order dated 02.02.2017 passed in CRM-M No.35654 of 2016 by observing that the prosecution case is based on circumstantial evidence. The complicity of the accused would be dependent upon circumstantial evidence to be led by the prosecution. Owing to the delay in culmination of the trial, the co-accused Iqbal Singh was granted regular bail by this Court.

Learned counsel further submitted that in the disclosure

statements of Amandeep Singh @ Raju and Iqbal Singh @ Kali, the petitioner and others particularly co-accused Arwinder Dass @ Arvind were nominated. There was recovery of chilli powder from the Arwinder Dass @ Arvind, who has been granted regular bail by this Court vide order dated 17.08.2020 passed in CRM-M No.21475 of 2020. The Court while granting bail to Arwinder Dass @ Arvind has noticed that in the statement Dr. Saroj Dahiya, Incharge, FSL Unit, S.P. Office, Rohtak, PW-22 has stated that chilli powder was not found inside the cabin of the truck or near the dead bodies. Keeping in view the custody of Arwinder Dass @ Arvind and the outbreak of COVID-19 pandemic, his case was considered for grant of regular bail by this Court.

Learned counsel further submitted that case of the petitioner is on better footing as nothing was recovered from the petitioner.

Per contra, learned State counsel submitted that as per police record, the bilties of truck were recovered from the house of the petitioner.

Learned State counsel further submitted that the prosecution evidence has already been concluded and the case is now fixed for defence evidence and arguments. Due to the situation arising out of pandemic COVID-19, there is every

likelihood of trial being delayed. Petitioner is in custody since 24.05.2016.

The alleged recovery of bilties of the truck from the petitioner in view of recovery of truck itself from the co-accused Amandeep Singh @ Raju and Iqbal Singh @ Kali in FIR No.125 dated 09.06.2015 would be debatable at the time of trial.

At this stage, without making any final opinion on the merits of the case and in view of the situation arising out due to COVID-19 pandemic, it would be just and appropriate to treat the petitioner at par with co-accused Iqbal Singh and Arwinder Dass @ Arvind for the purposes of granting 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.

(RAJ MOHAN SINGH)
JUDGE

September 28, 2020
Atik

Whether speaking/reasoned Yes/No

Whether reportable Yes/No