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

CRM-M No. 33287 of 2020
Date of Decision: 23.11.2020

Angrej @ Geju

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Manish Bansal, 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.346 dated 07.06.2015 under Sections 302/201/202/392/396/404/412/120-B IPC (Offence under Section 25 of Arms Act added later on) registered at Police Station Rohtak Sadar, District Rohtak.

FIR was registered at the instance of Dalbir Singh. According to prosecution case, when the complainant went for a walk in the evening of 07.06.2015 on the road opposite to Hotel, he saw two dead bodies wrapped in blankets. Dead bodies were lying in a pit. There were signs of injuries on the dead bodies. It

was alleged that some unknown persons had murdered the aforesaid two persons and left their dead bodies to conceal the crime.

Co-accused namely Amandeep Singh @ Raju and Iqbal Singh @ Kali were arrested in FIR No.125 dated 09.06.2015 registered under Sections 379/411 IPC and under Section 15 of NDPS Act at Police Station City Mandi Gobindgarh, District Fatehgarh Sahib.

The truck was taken into police possession. In the disclosure statements of aforesaid Amandeep Singh @ Raju and Iqbal Singh @ Kali, petitioner and co-accused Jeet were nominated. The deceased were found to be driver and conductor of said truck.

Iqbal Singh @ Kali has already been granted regular bail by this Court in CRM-M No.35654 of 2016 vide order dated 02.02.2017 on the ground that prosecution version is based on circumstantial evidence.

Complicity of the accused would be determined on the basis of circumstantial evidence to be led by the prosecution.

In the disclosure statements of Amandeep Singh @ Raju and Iqbal Singh @ Kali, other co-accused namely Arwinder Dass @ Arvind was also nominated. There was recovery of chilly powder from Arwinder Dass @ Arvind.

Arwinder Dass @ Arvind has been granted regular bail by this Court in CRM-M No.21475 of 2020 vide order dated 17.08.2020. At the time of granting bail to the aforesaid co-accused, statement of Dr. Saroj Dahiya, Incharge FSL Unit, S.P. Office, Rohtak (PW22) was taken notice of wherein the witness has stated that chilly powder was not found inside the truck or near the dead bodies.

Petitioner was arrested on 15.07.2015. He has undergone more than 05 years of incarceration. Nothing has been recovered from the petitioner.

Per contra, learned State counsel on instructions submits that in pre-covid era, the case was fixed for recording statement of accused under Section 313 Cr.P.C. and the petitioner and other accused are responsible for the delay as they did not lead defence evidence. Petitioner is also involved in one more NDPS Act i.e. FIR No.125 dated 09.06.2015 registered under Sections 379/411 IPC and under Section 15 of NDPS Act at Police Station City Mandi Gobindgarh, District Fatehgarh Sahib.

Vide order dated 02.11.2020, learned State counsel submitted before the Court that 17.11.2020 was the date fixed for defence evidence. Defence evidence was not led by the accused party and now the case stands adjourned to 15.12.2020.

Learned counsel for the petitioner submits that in the aforesaid case, co-accused Amandeep Singh @ Raju and Iqbal Singh @ Kali were arrested and on the basis of their disclosure statements, petitioner came to be nominated.

At this stage, keeping in view the total custody period of the petitioner from 15.07.2015, without meaning anything on the merits of the case and the situation arising out of pandemic COVID-19, I deem it appropriate to enlarge the petitioner on regular bail at par with other co-accused who have already been granted regular bail.

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

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

It is made clear that in case of unnecessary delay at the instance of the accused, the prosecution would be at liberty to seek cancellation of regular bail in accordance with law.

23.11.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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