

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

CRM-M-33449-2020 (O&M)
Date of decision: **29.10.2020**

SALMAN @ JAMIL AHMAD

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Rakesh Lathwal, Advocate
for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.90 dated 22.2.2018 under Sections 302, 201 IPC at Police Station Sadar, District Sonapat.
2. The FIR in question was lodged at the instance of Rajesh wherein it is alleged that about 4-5 months back he along with his family had come to Ram brick kiln for the purpose of earning his living. It is alleged that on 15.2.2018 Salman took along complainant's brother Lala from the brick kiln but he did not return back home. It is alleged that the complainant searched for his brother but he could not be traced. The complainant

alleged that on 22.2.2018, the dead body of his brother was found lying in fields on the land of village Kehri Dahiya and that he strongly suspected that his brother has been murdered by Salman.

3. The learned counsel for the petitioner has submitted that it is a case of blind murder wherein the petitioner is being implicated solely on the ground that the deceased was allegedly seen in the company of the petitioner before he disappeared. Learned counsel has further submitted that there is no evidence worth credence to connect the petitioner with the occurrence and as such the petitioner deserves concession of bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and was last seen in the company of deceased, no case for grant of bail is made out. Learned State counsel upon instructions from ASI Suresh Kumar has however informed that the petitioner has been behind bars since last about 2 years & 8 months and that he is not involved in any case. It has further been informed that as on date not even a single PW out of cited 14 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. Admittedly it is a case totally based on circumstantial evidence and the evidence is mainly to the effect that the deceased was last seen in the company of the petitioner. In any case, since the petitioner as on date has been behind bars since last 2 years & 8 months and till date not even a single PWs has been examined, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume some

time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.10.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**