

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38451-2020 (O&M)
Date of Decision:-9.12.2020

Rahul Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Monita Mehta , Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.26 dated 13.3.2019 at Police Station Mukerian, District Hoshiarpur under Sections 365, 302, 201 and 34 of Indian Penal Code.
2. The FIR was lodged at the instance of Balkar Singh, wherein it is alleged that on 12.3.2019 his brother Darshan Lal (deceased) left the house after disclosing that he had received a call from Rahul Sharma to the effect that he has to bring his mother from Jalandhar and that he (Darshan Lal) has to go alongwith Rahul Sharma and Sanjeev Kumar who would be meeting him at Mukerian. It is alleged that Rahul Sharma and Sanjeev Kumar had been

meeting Darshan Lal earlier also but since Darshan Lal did not return back home in the evening and could not even be contacted on phone, he suspected that Rahul Sharma and Sanjeev Kumar had kidnapped Darshan Lal alongwith his car. It is further the case of prosecution that both the accused were arrested on 14.3.2019 i.e. on the very next day of recording of FIR and who disclosed that they had some dispute regarding money with deceased Darshan Lal and had called him on pretext of bringing the mother of Rahul Sharma and had killed him.

3. The learned counsel for the petitioner submits that it is a case of blind murder and that the petitioner is somehow sought to be falsely implicated on the basis of the alleged disclosure statement made by the accused and their extra-judicial confession allegedly made before Sukhdev Singh which can hardly have any evidentiary value.
4. Opposing the petition, the learned State counsel has submitted that since it is a case where pursuant to the disclosure statement of accused the dead body of Darshan Lal was recovered, the complicity of the accused is clearly evident and, as such, the petitioner does not deserve the concession of bail. The learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last 1 year, 8 months and 15 days and that he is not involved in any other case. The learned State counsel has informed that as on date 13 out of the cited 27 PWs have been examined.
5. Having regard to the facts and circumstances of the case especially that it is a case based on circumstantial evidence and that the petitioner has been behind bars since the last 1 year, 8 months and 15 days and is not stated to be involved in any other case and also the fact that conclusion of trial is likely to

consume time as only 13 out of the cited 27 PWs have been examined so far, further detention of the petitioner will not serve any useful purpose. 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.

9.12.2020
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No