

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

CRM-M-40771-2020 (O&M)
Date of Decision:-11.12.2020

Gourav

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjeev Majra, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Vikramjeet Singh, Advocate for the complainant.

(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.158 dated 8.2.2019 at Police Station Chandnibagh, District Panipat under Sections 302, 404, 201, 120-B and 34 of Indian Penal Code, wherein offence under Section 365 IPC was added later on.
2. The FIR was lodged at the instance of Bilkesh (mother of deceased) wherein it is alleged that her son Shadab aged 22 years went to market at about 10:00 a.m. on 8.2.2019 but did not return back. It is alleged that at about 1:20 p.m. the complainant received a telephonic call from his son on her mobile phone

where he intimated that he had been abducted. Although the complainant and other members of her family made efforts to look for complainant's son but he could not be traced. It is further the case of prosecution that till date the whereabouts of the complainant's son could not be known.

3. The learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been falsely implicated on the basis of some secret information allegedly received by the police to which no credence can be attached.
4. The learned State counsel has, however, opposed the petition on the ground that the petitioner came to be nominated during the course of investigation and that pursuant to his arrest he has also got recovered iron rod, iron hammer and blood stained clothes, which would clearly show the complicity of the petitioner. It has further been submitted that the petitioner in his disclosure statement had admitted that he alongwith Sanjay (co-accused) had abducted Shadab for the purpose of getting ransom but since they were unsuccessful in getting the ransom, therefore, they murdered Shadab and disposed off the dead body in a river. The learned State counsel, upon instructions from ASI Om Parkash, has, however, informed that the petitioner as on date has been behind bars since the last about 1 year and 9 months and till date not even a single PW out of the cited 16 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. It is a case where nobody is named in the FIR and nor is there eye-witness to the occurrence and the petitioner came to be nominated subsequently on the basis of the disclosure statement made by the petitioner himself, the veracity and admissibility of which would be debatable. In any case, since the

petitioner has been behind bars since the last about 1 year and 9 months and conclusion of trial is likely to take some time as not even a single PW out of the cited 16 PWs has been examined and also to maintain parity as his co-accused have already been granted bail, the petition 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.

11.12.2020
pankaj

(Gurvinder Singh Gill)
Judge

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