

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36413-2019

Date of Decision: 08.01.2020

Uttam

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sunil Goswami, Advocate for
Mr. Vishal Nehra, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Vishwajeet, Advocate for
Mr. Vikram Singh, Advocate for the complainant.

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Manoj Bajaj, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.50 dated 12.02.2019 under Sections 148/149/302/201/202 IPC, registered at Police Station Kharkhoda, District Sonipat. The petitioner was arrested on 11.03.2019.

The FIR in the present case was registered on the statement of complainant Raj Singh, wherein it was stated that on 11.02.2019 at about 9:00/9:15 P.M., his son, namely, Sandeep had gone to meet Sonu in his car bearing No.HR-79-7926, but he did not return. He stated that the dead body of his son was found lying near Raj brick kiln in the car and his son had been murdered by the accused persons, namely, Sonu, Deepak s/o Hari Kishan, Deepak Bhanja, Sumit Nakloi, Ravi, Tarif, Sagar and their companions by causing injuries with bricks and other weapons in the house of Sonu and they had also tried to set his dead body on fire. On these broad

allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR. He submits that though the petitioner is named in the statement of Sandeep, who is the witness of last seen, however, it is pointed out that the motive is attributed to Sagar and Deepak Bhanja with whom the victim had an altercation on 06.02.2019 on the occasion of birthday of Sagar. It is contended that as per the statement of this witness, the victim told him that Deeapk Bhanja has called him to the house of Sonu. He submits that the case of prosecution is based on circumstantial evidence and the nature of evidence against petitioner is weak. He submits that the trial is likely to consume considerable time and, therefore, further custody of the petitioner may not be justified.

On the other hand, the prayer is opposed by learned State counsel, who is assisted by ASI Namnesh and learned counsel for the complainant. Learned State counsel has contended that the statement of witness, namely, Sandeep s/o Om Parkash was recorded, who had stated that the victim was lastly seen with the accused persons. She has produced the statement of the said witness recorded under Section 161 Cr.P.C. Learned counsel for the complainant has also pointed out that after this occurrence, the complainant has been attacked by the other co-accused. However, he does not dispute that in the said occurrence, the petitioner was not involved as he is already in custody. It is also not disputed that co-accused of petitioner, namely, Ravinder @ Chhota @ Genda and Rakesh @ Mogra have been released on bail.

After hearing learned counsel for the parties and considering the above, this Court finds that the trial is likely to consume considerable

time as after framing of charges on 27.09.2019, not even a single witness has been examined so far. Even, some of the accused are yet to be arrested, therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court Sonipat.

The petition is allowed.

08.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No