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

CRM-M-41539-2019 (O&M)
Date of Decision:-4.11.2020

Partik … Petitioner

Versus

State of Haryana ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Anirudh Singh Shera, Advocate for the petitioner.

Mr. Karan Sharma, AAG, Haryana,
assisted by ASI Manoj Kumar.

*(proceedings conducted through video conferencing)*

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**GURVINDER SINGH GILL, J**.(Oral)

1. The petitioner, who is a juvenile, has approached this Court seeking grant of regular bail in respect of a registered vide FIR No.293 dated 2.4.2018 at Police Station Model Town, Panipat, Haryana under Sections 365, 302 and 201 of Indian Penal Code and Section 3 of SC/ST Act, 1989.

2. The FIR was lodged at the instance of Vikas, who alleged that he has three children and that on 2.4.2018 his youngest son namely Vivek aged about 4-4½ years went missing. It is the case of prosecution that subsequently on 4.4.2018 an intimation was received at Police Station Kundli, District Sonepat as regards recovery of dead body of a boy aged 4-5 years from Delhi

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canal. The police alongwith complainant and other members of his family reached Government Hospital, Sonepat, where the dead body was identified by the complainant to be of his son namely Vivek. The legs and hands of dead body were found to be tied and the mouth was gagged with a cloth. It is further the case of prosecution that the complainant suspected petitioner's hand in the murder of his child.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case on the basis of suspicion and that it is a case based totally on circumstantial evidence and there is no evidence worth credence to connect him with the alleged murder of Vivek. The learned counsel has further submitted that although during the course of investigation the police alleges that some rope had been recovered from the house of petitioner, which was found to be matching with the rope with which the hands and legs of the deceased were tied but such kind of evidence can hardly be said to be sufficient to hold that it is the petitioner who had committed murder of the deceased. The learned counsel has further submitted that, in any case, the petitioner has been behind bars since the last more than 2½ years and, as such, being a juvenile he, in any case, deserves the concession of bail.

4. Opposing the petition, the learned State counsel has submitted that since during the course of investigation, the police had been able to find evidence to connect the petitioner with the murder of complainant's son especially in the shape of recovery of a rope, which was same as the rope with which the hands and legs of the deceased were tied, no case for grant of bail is made out. The learned State counsel has, however, not disputed the fact that the petitioner is a juvenile and that he has been behind bars since the last more

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than 2½ years. The learned State counsel, upon instruction from ASI Manoj Kumar, has also informed that as on date only 3 out of the cited 17 PWs have been examined.

5. I have considered rival submissions addressed before this Court.

6. Having regard to the fact that it is a case based mainly on circumstantial evidence and that the petitioner has been behind bars since the last more than 2½ years and also that the conclusion of trial is likely to take some time as only 3 out of the cited 17 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.

**4.11.2020** **( Gurvinder Singh Gill )**
pankaj **Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No

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