

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

**CRM-M No.42985 of 2019
Date of decision : October 28, 2020**

Randhir Petitioner

Versus

State of Haryana Respondent

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sanjeev Sheoran, Advocate for
Mr. Anshuman Dalal, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

Mr. Rajesh Hooda, Advocate for the complainant.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.227 dated 02.05.2018, registered under Sections 365, 302, 328 and 120-B IPC, at Police Station Sampla, District Rohtak.

It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted. The incident is stated to have happened on 29.04.2018. In the first instance, the petitioner was not even named by any person. The petitioner has been sought to be involved in the case only on the basis of some disclosure statement recorded in January, 2019. Thereafter, the petitioner has been in custody since 10.02.2019. The story put up by the prosecution was that the deceased consumed liquor laced

with aluminium phosphide at the house of the petitioner. To substantiate this the prosecution claims the recovery of liquor bottle from the house of the petitioner, allegedly, containing aluminium phosphid. However, the FSL report has made it clear that in the alleged liquor bottle, there was no aluminum phosphide. The co-accused of the petitioner, who had taken away the deceased from his house and who had also taken the deceased to different hospitals when his condition had worsened, have named the petitioner only to divert attention from their own possible involvement in the crime. As of today, except the disclosure statement of the co-accused and the disclosure statement fabricated on behalf of the petitioner, there is no material with the prosecution to connect the petitioner to the crime. Still further, it is submitted that all the other co-accused, including the persons, who had taken away the deceased from his house and who had communicated with the complainant in the interregnum, as well as, the persons who had taken the deceased to the hospital, where he was declared brought dead, have already been granted bail pending trial.

Reply filed by way of affidavit on behalf of the State is taken on record.

On the other hand, learned State counsel, being instructed by ASI Ashok and being assisted by the learned counsel for the complainant, has submitted that the petitioner is the main accused. The co-accused of the petitioner have named the petitioner as the person, who had manipulated the entire episode. It is at the house of the petitioner, that the liquor was consumed by all; including the deceased. However, it is not disputed that the

report of the FSL has ruled out the presence of the poison in the liquor bottle recovered from the house of the petitioner. It is also not disputed that in the first instance the petitioner was not named in the case at all and his name was involved in the case after about nine months of the incident. Still further, it is not disputed that all the other co-accused have already been released on bail pending trial.

In view the above, but without commenting any further on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

October 28, 2020

sarita

Whether speaking / reasoned Yes

Whether Reportable: No