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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-7063-2021

Date of Decision: 29.07.2021

Mahender

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Pawan Kumar Hooda, Advocate for the petitioner.

Ms. Harpreet Kaur, Assistant Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This is a petition filed under Section 439 Cr.P.C. seeking bail in F.I.R. No. 300, dated 30th May, 2020 under Section 302 of IPC [Section 3 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 was added later on], registered at Police Station Samalkha, District Panipat.

[3] It is a case of blind murder. The F.I.R. was registered on the complaint of Kuldeep S/o Rajendra (deceased). As per the narration in the F.I.R., on 29th May, 2020, father of the complainant had gone for masonry work in the fields of Mahender (petitioner). He did not return, his body was found on 30th May, 2020 in the fields of Sultan. There

were some scratches on the body of being dragged. A supplementary statement was made by the complainant in which a doubt was raised that his father was murdered by the petitioner.

[4] During investigation, on the basis of disclosure statement the case was set up that petitioner along with deceased had liquor in the night of 20th May, 2020. Deceased was drunk and passed off. The petitioner went back to his house and later took his bi-cycle and went to his fields to see the deceased. There were few labourers from whom petitioner took help to take the deceased to the main road so that he can drop him at his place. On reaching the road-side, the deceased was not able to sit on the seat of bi-cycle, there was altercation which resulted in petitioner giving kick and fist blows to the deceased. The deceased was pushed, he fell down and died.

[5] Learned counsel for the petitioner submits that apart from the disclosure statement, there is no evidence. The petitioner is in custody since 2nd June, 2020. Investigation is complete and no recovery is to be made.

[6] Learned State counsel, on instructions from S.I. Vijender, opposes the prayer for grant of bail. She submits that challan stands presented. The matter was investigated, statement of labourers were recorded but there is no statement under Section 161 Cr.P.C. and they have not been kept in the list of prosecution witnesses.

[7] The case set up is basically on the basis of disclosure statement. There is no recovery made from the petitioner. He is not

involved in any other case. It is a case of blind murder. The labourers who according to the case of the prosecution had last seen the petitioner along with deceased. Neither their statement was recorded under Section 161 Cr.P.C. nor they have been kept in the list of witnesses of the prosecution.

[8] Considering the facts and circumstances of the case in totality, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

[9] The petition is allowed.

[10] However, it is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

29th July, 2021

pankaj baweja

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes