

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

CRM-M-12949-2021 (O&M)

Date of Decision:- 22.11.2021

Rajesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karanjit Singh, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Wazir Singh.

Mr. S.K.Liberhan, 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 a case registered vide FIR No.258, dated 31.7.2020, Police Station Sadar, District Jind, under Section 302 IPC.
2. The FIR was lodged at the instance of Satish wherein it is alleged that his father has two more brothers and that his father's elder brother Umeed Singh has one son namely Sandeep @ Kala. On 30.7.2020

Sandeep, as usual went to “*baithak*” of Suresh but did not return back, upon which complainant’s uncle went to the house of Suresh to look for him but Suresh stated that Sandeep was not inside his house. However, Mukesh @ Bholu who was sitting outside told the complainant that his son was inside and would return back shortly on his own and asked the complainant’s uncle to go back. It is alleged that at about 1 am. during night, complainant’s brother Amit heard Rajesh shouting that he had caught someone. However, the said noises died after about 10 minutes and they fell asleep. On the next morning they received information that a dead body of a young boy was lying on Bhabalpur road smeared with blood. The complainant reached at the spot and found the dead body to be of Sandeep which was lying at the same place from where his brother Amit had heard the voice of Rajesh on the previous night.

3. Learned counsel for the petitioner has submitted that it is a case of blind murder and he has falsely been implicated in the present case solely on the premises that complainant’s brother Amit had heard the petitioner shouting that he had caught someone, but had never seen him and that on the next day that the dead body of Sandeep was found from the same spot. Learned counsel has further submitted that there is no motive whatsoever with the petitioner to have murdered Sandeep and that in these circumstances the petitioner deserves the concession of bail.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since the

complainant's brother had heard noises during the night i.e. the petitioner shouting that he had caught somebody and that the dead body was recovered on the next day from the same very spot from where the said noises were heard, the complicity of the petitioner is clearly evident.

5. Learned counsel for the complainant has further submitted that the call details, collected by the Investigating Officer, clearly shows that the petitioner had made several calls around 1.45 am to his son on the night of occurrence and that it remains unexplained as to why the petitioner, in the dead of the night had been making calls to his son and that the only explanation could be that he had murdered the deceased and was thereafter seeking help of his son.
6. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 1 year and 3 months and that the petitioner is not involved in any other case.
7. I have considered rival submissions addressed before this Court.
8. Admittedly, it is a case of blind murder where nobody had seen the petitioner committing the alleged murder of Sandeep. The prosecution mainly relies upon the version of the complainant that his brother Amit had heard Rajesh shouting during night that he had caught somebody and that the dead body was recovered from the same very spot. The petitioner has been behind bars since the last about 1 year and 3 months and conclusion of trial is likely to consume time. In these circumstances, particularly bearing in mind that it is a case of circumstantial evidence and that the petitioner

otherwise has a clean record, 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.

22.11.2021
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(GURVINDER SINGH GILL)
JUDGE

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