

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

**CRM-M-18034-2021
Date of decision 28.10.2021**

NAVIN KUMAR YADAV

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Himmat Singh Deol, Advocate
for the petitioner.

Ms. Harpreet Kaur, Assistant Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

This petition is filed for grant of Regular Bail in case FIR No. 282 dated 11-10-2020, under Section 302, 34 IPC 1860, registered at Police Station Kosli, District Rewari.

Krishan Lal-complainant stated that on 10th October, 2020 he was informed by his relative Ram Avtar and Rajinder that his sister-in-law Usha had met with an accident. On reaching the spot he found that she had not met with accident rather she was killed. The police prepared a site plan of the road accident and recovered a damaged cycle which the deceased was riding. After two days supplementary statements were made by the complainant Krishan Lal and sister of the deceased. Complainant-Krishan Lal named Raj Singh, Arjun Yadav and Naveen Kumar Yadav (petitioner) as accused. However the sister of the deceased named only Arjun Yadav and Raj Singh. During investigation three co-accused were found innocent and challan was presented against Arjun Yadav and petitioner. In the case set up, the motive of killing was a land dispute. It would be appropriate to

note at this stage that during investigation disclosure statement was made by Arjun Yadav. On the basis of his statement, Axe was recovered. He further disclosed that he along with petitioner inflicted injuries to the deceased. Forensic report was sought wherein it was opined that the possibility of injuries inflicted to deceased by recovered Axe cannot be ruled out.

Learned counsel for the petitioner submits that the cause of the death is a road side accident. As there are grievances among the relatives with regard to the property dispute, the petitioner has been falsely implicated. No recovery was made from the petitioner. The contention is that apart from disclosure statement there is no evidence against the petitioner.

The counsel for the State opposes the grant of bail. He submits that the brother of the petitioner named the petitioner in his disclosure statement. No animosity can be attributed by the petitioner to his brother for false implication. She submits that charges have been framed and out of the thirty one prosecution witnesses three have been examined.

The petitioner is in custody since 2nd November 2020, no recovery was made from the petitioner. The cause of death itself is a debatable issue. At the stage prima facie there is no certainty that the injury sustained by the deceased was inflicted by the recovered weapon. The name of the petitioner surfaced only in supplementary statement and disclosure statement. Petitioner has no criminal antecedents. Conclusion of the trial is likely to take time. The petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial

Magistrate/Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

28th October, 2021
monika

(AVNEESH JHINGAN)
JUDGE

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|-------------------------------|---|---------|
| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |