

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

CRM-M-18063-2021 (O&M)

Date of Decision:-20.5.2021

Sandeep @ Rahul

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Saurabh Sharma, Advocate for the petitioner.

Mr. Dhruv Sheoran, DAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No. 327, dated 5.7.2019 registered at Police Station Indri, District Karnal under Sections 148, 149 and 302 of Indian Penal Code.
2. The FIR in question was lodged at the instance of Sohan Lal wherein it is alleged that his younger son Ajay was into property dealing and on account of which Randhir Singh, Jagmal Singh, Sukhbir Singh, Pardeep Kumar, Rahul, Prince and Sachin nursed a grudge against him relating to some monetary transaction. It is alleged that 15 days prior to the occurrence they had given beatings to his son Ajay Kumar. It is further alleged that on 4.7.2019 at about 11/11.30 pm the aforesaid persons called his son and took

him along and he did not return back during the night. On the next morning i.e. on 5.7.2019 at about 5 a.m. a co-villager namely Mai Chand informed him that the dead body of his son is lying near the bus stand. Upon receiving the said information the complainant went to the bus stand and saw that the dead body of his son was lying there which was bearing marks of injuries on his head, chest, stomach, arms and feet and there were tyre marks on the dead body and a broken number plate was lying nearby. The complainant alleged that he strongly suspected that the above mentioned persons along with their relative i.e. aunt's son Robin and other boys after conspiring had murdered his son.

3. Learned counsel for the petitioner has submitted that it is a case where 7 out of the 9 accused named in the FIR have already been given a clean chit and that it is the petitioner Sandeep @ Rahul and one Vikas Kumar, who have been chargesheeted. Learned counsel submits that the aforesaid Vikas Kumar has already been granted bail by this Court vide order dated 12.2.2021 passed in CRM-M-17779 of 2020 and, as such, the petitioner in any case deserves the concession of bail on grounds of parity particularly bearing in mind that it is a case based on circumstantial evidence and there is no eye-witness to the occurrence.
4. Opposing the petition, learned State counsel has submitted that since the petitioner had suffered a disclosure statement as regards his involvement and that during the course of investigation CCTV footage has been collected which shows that all the accused have consumed liquor together, it is evident that they had all conspired to eliminate the deceased. Learned State counsel has further submitted that as per the disclosure statement it is the petitioner who was driving the car which had run over the deceased killing him.

Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 1 year and 10 months and that till date not even a single PW out of the cited 30 PWs has been examined.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that it is a case of circumstantial evidence wherein there is no eye-witness to the occurrence. The prosecution mainly relies upon the disclosure statement allegedly suffered by the accused/petitioner himself. In any case, since the petitioner has been behind bars for a substantial period of 1 year and 10 months and an identically situated co-accused has already been granted bail by this Court and conclusion of trial is likely to take sometime as not even a single PW out of the cited 30 PWs has 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.

20.5.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No