

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

212

CRM-M-14897-2019 (O&M)

Date of Decision: 08.11.2021

Vinod @ Tila (Fauji)

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. A.D.S.Sukhija and Mr. Harjass Sandhu, Advocates,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Kashmir Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.42 dated 26.02.2018 at Police Station Bhuna, District Fatehabad, under Sections 302/201/34 IPC and Section 25 of the Arms Act.
2. The FIR was lodged at the instance of Pinky, wherein it is alleged that she is working as a Peon in the Labour Department. On 24.02.2018, her son Lalit told her at about 9:30 PM that he had received a telephonic call from his friend Ghora @ Manjit informing him that his mother is not well and that as such, he (Lalit) was going to meet him. However, since Lalit did not return back till the morning of the next day, the complainant started looking for him, but he could not be traced. On 26.02.2018, the

dead body of Lalit was found near Minor Canal on Kherri road.

The complainant suspected that her son Lalit had been murdered by Ghora @ Manjit in connivance with some other persons.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and came to be nominated subsequently as an accused on the basis of a disclosure statement allegedly made by co-accused Harbhan, which would hardly carry any evidentiary value particularly in the absence of any other convincing evidence. It has further been submitted that in any case the petitioner has already suffered incarceration of more than 3 ½ years and as such, deserves to be released on bail particularly when he otherwise has a clean record.
4. Opposing the petition, learned State counsel has submitted that although the petitioner is not specifically named in the FIR, but during the course of investigation, the investigating agency had been able to collect sufficient evidence to establish his complicity. It has been submitted that when co-accused Harbhan came to be arrested on 28.02.2018, he suffered a disclosure statement to the effect that he alongwith Manjit @ Ghora has murdered Lalit at the instance of the petitioner - Vinod. Harbhan is further alleged to have disclosed that Vinod was having some affair with a girl and that Lalit had taken photograph of Vinod while consuming liquor and had posted it to Vinod's girl-friend and on account of which Vinod held a grudge against Lalit and had planned to eliminate him

to settle scores. Learned State counsel has further informed that the aforesaid disclosure statement stands substantiated from the call details record of the accused, which clearly shows that he was constantly in touch with co-accused Manjit @ Ghora and as such, he does not deserve the concession of bail. Learned State counsel has, however, not disputed the fact that the petitioner has been behind bars for a substantial period of about 3 ½ years. It has been informed that as on date 10 PWs out of cited 27 PWs have been examined and that the complainant already stands examined. It has also been informed that the petitioner is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is not named in the FIR. It is also not the case of the prosecution that it is the petitioner himself, who has murdered Lalit. The role attributed to the petitioner is that he had got Lalit murdered from his co-accused Harbhan and Manjit, as the petitioner nursed a grudge against the deceased (Lalit). The petitioner has been behind bars for a substantial period of about 3 ½ years. The conclusion of trial is likely to consume time, as only 10 PWs out of the cited 27 PWs have been examined so far. The petitioner is not even stated to be involved in any other case. In these circumstances, 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.

08.11.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**