

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

CRM-M-23847-2021 (O&M)
Date of Decision:-8.9.2021

Ishwar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. B.S. Rana, Senior Advocate with
Mr. Nayandeep Rana, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Sushil Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.327, dated 7.7.2020, Police Station City Mahendergarh, District Mahendergarh, under Sections 302, 201, 120- B and 34 of Indian Penal Code.
2. The FIR in question was lodged at the instance of Anil Kumar wherein it has been alleged that he is a vegetable vendor by profession and that on 6.7.2020 when he returned back home at about 8 pm., he was accompanied by his brother Ishwar. At that time Vikas son of his brother Ishwar asked the

complainant to give him his motorcycle as he was to bring notes from his friend. The complainant gave his motorcycle to Vikas. However, Vikas did not return back for a long time and on account of which they started searching for him. While they were searching for Vikas they came across a police vehicle parked towards the back side of cow shelter. When they reached near the vehicle they saw dead body of complainant's nephew Vikas and the motorcycle of the complainant was also lying nearby. The complainant alleged that the body of Vikas was bearing several injuries and apparently he had been murdered by some unknown person due to some enmity.

3. Learned counsel for the petitioner submits that it is a case of blind murder, wherein the son of petitioner was murdered and FIR was lodged in respect of the same by petitioner's brother i.e. uncle of the deceased namely Anil Kumar. Learned counsel has submitted that the police being unable to trace the convicts has turned tables on the complainant and his brother on the basis of confessional statements allegedly made by the petitioner as well as his brother to the effect that Vikas had been troubling his parents and also his uncle and aunt so as to force them to pay an amount of Rs.20 lakhs and that his parents including the petitioner conspired together to kill him and hired the services of a professional killer Ashutosh through Mohit and got him killed for an amount of Rs.2.5 lakhs, which was paid to Ashutosh for the said job. It has been submitted that it is absolutely unlikely that a father would choose to kill his own son howsoever misbehaved he may be. Learned counsel for the petitioner has further submitted that the only evidence is in the shape of a confessional statement of the accused themselves, which would hardly carry any evidentiary value.

4. Opposing the petition, learned State counsel has submitted that apart from the confessional statement, the police during the course of investigation had been able to collect the call-details record, which shows that the co-accused Anil Kumar i.e. petitioner's brother was in touch with Ashutosh and which would substantiate the case of prosecution that a professional killer Ashutosh had been hired by the petitioner and his brother and other members of his family to eliminate Vikas. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year and 2 months and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case, wherein the father himself had been nominated as an accused for having killed his son and the case is totally based on circumstantial evidence and while noticing that the petitioner has been behind bars for a substantial period of 1 year and 2 months and that till date only 4 out of the cited 17 PWs have been examined, further detention will not serve any useful purpose as conclusion of trial is likely to consume time. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8.9.2021

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

**(Gurvinder Singh Gill)
Judge**