

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-25507-2021

Date of Decision:09.07.2021

Sanjeev Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Pardeep Panwar, Advocate, for the petitioner.

Mr. Vishal Kashyap, AAG, Haryana.

(proceedings conducted through video conferencing)

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.62 dated 17.03.2018 at Police Station Chandimandir, Panchkula, under Sections 302/120-B/34 IPC.
2. The FIR in question was lodged at the instance of Gurtej Singh, wherein it is alleged that on 16.03.2018, upon being called by the police, he and Vakil Singh appeared before the police and were asked to identify a dead body, which was found in mutilated condition in front of North Park, near Village Chonki, by the side of the road in bushes. He as well as Vakil Singh identified the dead body be that of his brother-in-law Parminder Singh (wife's brother). It is further the case of the prosecution that in fact Parminder Singh had been

murdered by the petitioner and his co-accused by conspiring with each other so as to deprive the deceased of his car.

3. The learned counsel for the petitioner has submitted that it is a case of blind murder, wherein nobody is named and that the petitioner has been falsely implicated on the basis of a disclosure statement allegedly made by co-accused Amarjeet Singh. who is stated to have been arrested on 17.03.2018. Learned counsel has submitted that since the case is more or less based on circumstantial evidence, the aforesaid disclosure statement made by co-accused can hardly be said to be sufficient evidence to establish the involvement of the petitioner and in these circumstances, the petitioner who has been behind bars since the last about 3 years and 3 months, deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that since co-accused Amarjeet Singh was arrested on the very next day of the occurrence and who had admitted that he along with Sanjeev and Lalit had hatched a conspiracy to loot Parminder Singh of his Alto car and to murder him and in fact the car in question and even the phone of the deceased also stand recovered from Sanjeev (petitioner), the complicity of the petitioner is clearly evident. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 3 years and 3 months and that till date 5 PWs out of cited 16 PWs have been examined. Learned State counsel has further informed that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.

6. Having regard to the fact that it is a case based on circumstantial evidence, wherein the police relies merely upon the disclosure statement made by co-accused, which is rather a weak type of evidence unless there is substantial corroboration of the same and while also noticing that the petitioner has been behind bars for a substantial period of 3 years and 3 months and that conclusion of trial is likely to consume time as only 5 PWs out of cited 16 Pws have been examined so far and while also bearing in mind that the petitioner is not involved in any other case, 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.

09.07.2021

VY/Vimal

**(GURVINDER SINGH GILL)
JUDGE**

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