

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

CRM-M-29552-2021

Date of Decision: 02.08.2021

SAHIL @ VISHAL

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present : Mr. Vishal Garg Narwana, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana
assisted by ASI Chander Singh

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in respect of a case FIR No.362 dated 17.09.2019 registered at Police Station- Civil Line Jind, District Jind, under Sections 302 and 323 IPC.

2. The FIR was lodged at the instance of Jitender Singh, wherein, it is alleged that his uncle Dhoop Singh, whose wife had expired about 35 years back, resides in their house and was working as salesman at the liquor shop and he sometimes used to stay at liquor shop and used to visit the house in 2/3 days. On 11.09.2019, the complainant's elder brother Ravinder had gone to the liquor shop to give food to his uncle Dhoop Singh. On 12.09.2019, he received information from liquor shop that Dhoop Singh has sustained injuries and was admitted in Civil Hospital, Jind. Since Dhoop Singh was referred to PGIMS, Rohtak, the complainant and his brother got him admitted to PGIMS, Rohtak. His uncle was unconscious and unable to speak. and ultimately expired on 17.09.2019. It is, thus, alleged that some unknown persons had caused injuries to the complainant's uncle with an

intention to kill him.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused after about 1 year of the occurrence on the basis of statement/s of some respectables of the village, who stated that they suspect Dhoop Singh had been killed by the petitioner alongwith co-accused Love. Learned counsel further submits that apart from the said vague statement/s of the said respectables, the prosecution also relies upon some disclosure statements allegedly made by the accused, which would hardly carry any evidentiary value.

4. Opposing the petition, learned State counsel has submitted that since the petitioner has been specifically named by the respectables of the village and in fact a *danda* and a motorcycle had been recovered from the co-accused and both the accused have admitted their crime, the complicity of the petitioner is clearly evident and as such he does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 10 months and that the petitioner is not involved in any other case. It has further been informed that in the instant case charges have not been framed so far.

5. I have considered the rival submissions addressed before this Court.

6. It is not disputed that it is a case of blind murder, which would be based mainly on circumstantial evidence. The statements of the co-villagers recorded after about 1 year of the occurrence or any confession made by the accused themselves regarding their involvement in the case after their arrest would not carry any evidentiary value. In any case, the

petitioner has been behind bars for a substantial period of more than 10 months. The conclusion of trial is likely to consume time, as the trial has not commenced as even the charges have not been framed so far. The accused is not stated to be involved in any other case. Having regard to the aforestated facts, 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.

02.08.2021*Ali***(GURVINDER SINGH GILL)
JUDGE**

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