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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M No.32908 of 2021 (O&M)  
Decided on: 23.11.2021

Rahul

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN**

**Present :** Mr. Rohit Mittal, Advocate  
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

**ARVIND SINGH SANGWAN, J. (Oral)**

Prayer in this 2<sup>nd</sup> petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.347 dated 02.07.2017, for offence punishable under Sections 201, 302, 34 of the Indian Penal Code (in short 'IPC') registered at Police Station City Narnaul, District Mohindergarh.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of one Madan Lal, it is stated that he is working as a Priest and his son Pintu was killed by the petitioner – Rahul and he sent him threats to kill due to some personal reasons. Later on, the complainant came to know that Davinder, Manoj and Pintu were sitting on the back side of the College and were consuming liquor. Thereafter, in the night, Davinder called him on his mobile phone and thereafter, Pintu did not return and thereafter, the complainant in the morning called on the same mobile number and

Davinder informed him that Pintu was with him at night but at present, he do not know about his whereabouts. Thereafter, the complainant came to Narnaul in order to search Pintu and received an information that one dead body was lying near the Temple of Shani Dev and when the complainant along with his other son Abhishek reached there, they found the dead body in the canal, which was identified as Pintu. There were injuries on the forehead and other parts of the body of the deceased. The complainant, thereafter, raised a suspicion that the petitioner – Rahul, Davinder, Manoj and Ravi have killed his son.

Counsel for the petitioner has further submitted that the petitioner is in custody for the last 04 years, 04 months and 17 days and he is not involved in any other case. Counsel for the petitioner has referred to the statement of one of the witness Mangal Nath, who appeared as PW-12 and cited as one of the eye-witness, however, he has resiled and stated that he do not know anything about the murder of the boy either in the Temple or surrounding of the Temple. This witness was confronted with the statement made to the Police and he has even denied having made any such statement.

Counsel for the petitioner has then referred to the order dated 17.05.2018 passed in CRR No.633 of 2018 filed by Madan Lal, in which it is directed that the proceedings of the trial Court may go on but final order may not be passed. It is further submitted that the said petition is still pending before this Court.

Counsel for the petitioner has also submitted that even another CRR No.1313 of 2018, is also filed in which again there is a similar interim order directing the trial Court not to pronounce the final

order.

Counsel for the petitioner has also submitted that though on an earlier occasion, the first petition was dismissed as withdrawn, however considering the long custody of the petitioner as well as in view of the fact that co-accused Davinder @ Muneem, has already been granted the concession of regular bail vide order dated 18.03.2021 passed in CRM-M No.31633 of 2020.

Counsel for the State on the basis of the affidavit of the Investigating Officer filed along with the Custody Certificate has not disputed the factual position but opposed the prayer for bail. It is further submitted that in the affidavit, after giving the details of the investigation, it is stated that during the investigation, the disclosure statement of the petitioner was recorded in which he has admitted committing the offence along with Davinder and Manoj and on that pretext, he has given brick blow on the head of Pintu. Counsel for the State has further submitted that now all the prosecution witnesses have been examined and the case is now fixed for defence evidence.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; the co-accused of the petitioner is already released on bail; the petitioner is in custody for the last 04 years, 04 months and 17 days; all the prosecution witnesses have been examined and there is no possibility of tampering with the prosecution evidence; one of the eye-witness namely Mangal Nath, has not supported the prosecution version; there is stay of passing of the final order by this Court in co-ordinate proceedings and conclusion of the trial is likely to take some

time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)  
JUDGE

23.11.2021  
*yakub*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable:       | Yes/No |