

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

CRM-M-34940-2021 (O&M)
Date of Decision:- 26.10.2021

Ashish @ Lov

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Chander 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.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 Sahil @ Vishal. 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. It has also been submitted that identically situated co-accused namely Sahil @ Vishal who was also named after about 1 year by Sarpanch of the village, has already been granted bail by this Court vide order dated 2.8.2021 (Annexure P-2).
4. Opposing the petition, learned State counsel has submitted that since there is circumstantial evidence against the petitioner in the shape of a recovery of a stick and a motorcycle which was used in the occurrence, no case for grant of bail is made out particularly when he has also been named by the Sarpanch of the village. Learned State counsel has however, informed that the petitioner as on date has been

behind bars since the last about 1 year and that he is not involved in any other case.

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 1 year. 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 and the identically situated co-accused namely Sahil @ Vishal has already been granted bail by this Court.
7. 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.

26.10.2021
Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No