

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

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CRM-M-35364-2021

Date of decision : 03.12.2021

Rohtash Kumar

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Gurdarshan Singh Sidhu, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.05 dated 05.01.2021 under Section 302 IPC (Sections 201, 34 IPC and Section 25 of the Arms Act added later on) registered at Police Station Rania, District Sirsa.

Learned counsel for the petitioner contends that it is alleged in the FIR which was registered on the statement of the Ex-Sarpanch that he had found a dead body near the wheat farm and when he went near the farm, he had recognized the dead body as Nikku Singh. He had informed the Sarpanch of the village. The wife of the deceased, namely, Raman Kumari had made a statement in the investigation that she had married the deceased against the wishes of her family members, due to which her brother, namely, Shinderpal was nursing grudge and she suspects that her husband has been killed by her brother Shinderpal. The petitioner has been implicated solely on the basis of the statement of co-accused Shinderpal. The wife of the deceased has not named the petitioner either in her statement under Section 161 Cr.P.C. or under

Section 164 Cr.P.C. There is no motive which has been attributed to the petitioner. The petitioner is not related to co-accused Shinderpal and has been falsely implicated. He also contends that the petitioner is in custody for eleven months since his arrest on 04.01.2021.

Learned State counsel upon instructions states that although challan has been filed but charges are yet to be framed. She also contends that the recovery of bloodstained mobile phone of the deceased has been effected from the petitioner.

Heard.

In view of the above especially when it is a case of circumstantial evidence, the petitioner has not been named by the wife of the deceased, no motive is attributed to him, he is in custody for eleven months, the Covid-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

December 03, 2021

sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No