

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

104

**CRM-M-30976-2020
Date of decision: 25.03.2021**

Deep Chand @ Deepda

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Amit Jhanji, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.184 dated 24.06.2020 registered under Sections 302 and 201 of the Indian Penal Code, 1860 in Police Station Bawani Khera, District Bhiwani.

Briefly stated, facts relevant for disposal of the present petition are that on 24.06.2020 telephonic information was received regarding dead body of some unknown person (later identified to be Krishan) lying in the field of Karan Singh in the area of Jeeta Kheri. Owner of the field Karan Singh made statement alleging that somebody had thrown the dead body in his field after murdering the person somewhere else. FIR was registered and the police investigated the case. During investigation the petitioner was arrested and the petitioner

allegedly made extra judicial confession to Ishwar Singh, disclosure statement to the police and got Breeza car recovered from his possession.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Sh. Virender Singh, HPS, Deputy Superintendent of Police (HQ), Bhiwani.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present blind murder case. Deceased was employee of the petitioner but there is no direct or circumstantial evidence regarding murder of the deceased by him. The petitioner had no previous enmity with the deceased and there was no motive for him to commit his murder. The petitioner is alleged to have made extra judicial confession to Ishwar Singh, brother of the deceased, who is alleged to have last seen the petitioner with the deceased but Ishwar Singh when examined as PW-2 did not support the case of the prosecution. The alleged disclosure statement of the petitioner is not of any evidentiary value against the petitioner. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted

that the petitioner was last seen with the deceased and was bound to furnish plausible explanation for his death. The deceased died due to head injury caused by the petitioner by striking his head against the window of his Breeza car which was also recovered from his possession. The petitioner made extra judicial confession and disclosure statement confessing his guilt. There is sufficient incriminating evidence against the petitioner. In view of nature of accusation and gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner particularly statement made during trial by Ishwar Singh (brother of the deceased) who did not support the case of the prosecution and the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.03.2021
kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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