

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

CRM-M-39394-2021 (O&M)
Date of Decision:- 27.9.2021

Anil @ Anil Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. B.S.Rana, Senior Advocate with
Mr. Nayandeep Rana, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Sushil Kumar.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.327, dated 7.7.2020, Police Station City Mahendergarh, District Mahendergarh, under Sections 302, 201, 120-B and 34 IPC.
2. The FIR in question was lodged at the instance of Anil Kumar (petitioner himself) wherein it has been alleged that he is a vegetable vendor by profession and that on 6.7.2020 when he returned back

home at about 8 pm., he was accompanied by his brother Ishwar. At that time Vikas son of his brother Ishwar asked the complainant to give him his motorcycle as he was to bring notes from his friend. The complainant gave his motorcycle to Vikas. However, Vikas did not return back for a long time and on account of which they started searching for him. While they were searching for Vikas they came across a police vehicle parked towards the back side of cow shelter. When they reached near the vehicle they saw dead body of complainant's nephew Vikas and the motorcycle of the complainant was also lying nearby. The complainant alleged that the body of Vikas was bearing several injuries and apparently he had been murdered by some unknown person due to some enmity.

3. Learned counsel for the petitioner submits that the instant case is a case of blind murder wherein the petitioner's nephew was found murdered and regarding which the petitioner lodged the FIR. However, since the police could not trace the murderer, the police has rather implicated the petitioner and his brother (father of deceased) on the basis of their alleged confessional statements to the effect that they have got Vikas killed as he had been troubling his parents and also his uncle and aunt, by hiring professional killers namely Ashutosh and Mohit who were paid an amount of Rs.2.5 lakhs. Learned counsel for the petitioner has submitted that the story put forth by the prosecution is highly unlikely as no father would take any step for getting his own son killed by hiring professional killers. It has further been submitted that in any case the confessional

statements of the accused on which the prosecution relies would hardly carry any evidentiary value. It has also been submitted that since co-accused Ishwar i.e. father of the deceased has already been granted bail, the petitioner also deserves the same concession on the grounds of parity.

4. Opposing the petition, learned State counsel has submitted that in the instant case, apart from the confessional statements, the police has been able to collect call-details records which would clearly show that the petitioner was in touch with Ashutosh over telephone and in fact on the day of occurrence, he was also present along with Ashutosh and Mohit. Learned counsel has further submitted that in the confessional statements it has also been admitted by the petitioner that after injuries have been caused to the deceased, he had run over his car over the deceased ensuring that he does not survive. Learned State counsel has however, informed that the petitioner has been behind bars since the last about 1 year and 2 months and is not involved in any other case. It has been informed that as on date 4 out of the cited 17 PWs have been examined.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that it is a case of blind murder. The prosecution mainly relies upon the confessional statements of the accused themselves apart from the call details record which according to the learned State counsel shows that the petitioner was in touch with co-accused Ashutosh. The case, as such is based totally on circumstantial evidence. The petitioner has been behind bars for a substantial period

of more than 1 year and 2 months and conclusion of trial is likely to consume time as till date only 4 out of the cited 17 PWs have been examined. In these circumstances, 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 bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.9.2021
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(GURVINDER SINGH GILL)
JUDGE

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