

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

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**CRM-M-40049-2021**

**Date of Decision: 29.09.2021**

Rajender

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Kamaldeep Sehra, Advocate,  
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,  
assisted by ASI Hariom.

*(proceedings conducted through video conferencing)*

**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.389 dated 20.08.2020 at Police Station City Gohana, District Sonapat, under Section 302 IPC.
2. The FIR was lodged at the instance of Varun, wherein it is alleged that on 19.08.2020, while he was sleeping in his house in his room, his younger brother Sonu came at about 1:00 AM from outside and noticed that their mother Neelam was lying on the floor in a pool of blood and who immediately awakened the complainant and his wife Bhawna. They noticed that the complainant's mother had been inflicted injuries on her face and neck with some sharp edged weapon. It is alleged that one day earlier, the complainant's uncle

Rajender (petitioner) had come to their house at about 4:00 PM and later at about 10:00 PM, he as well his mother retired to their room for sleeping and the complainant alongwith his children went to his room. The complainant and his younger brother suspected that their mother had been murdered by their uncle Rajender.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case merely on the basis of suspicion and that in fact it is a case of blind murder. Learned counsel has further submitted that when the complainant Varun as well as his brother Sonu were examined during the course of trial, they did not support the case of the prosecution at all and were declared hostile. Learned counsel in order to hammer forth his aforesaid submission has drawn the attention of this Court to the statements of PW-2 Varun and PW-3 Sonu annexed with the petition, which would show that the said witnesses have not supported the case of the prosecution.
4. Learned State counsel has, however, opposed the petition on the ground that it is a case based on circumstantial evidence and that in the instant case blood stained weapon had been recovered from the petitioner and that the report of FSL also supports the case of prosecution. 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 rival submissions addressed before this Court.

6. It is not in dispute that it is a case of blind murder, which is totally based on circumstantial evidence. The complainant as well as his younger brother, who had both expressed suspicion regarding the involvement of the petitioner, have completely resiled when they were examined during the course of trial and have not supported the case of the prosecution at all. The petitioner, in any case, has been behind bars since the last about 1 year. The conclusion of trial is likely to consume time as till date only 4 PWs out of cited 16 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 regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**29.09.2021**

Vimal

**(GURVINDER SINGH GILL)  
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**