

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

CRM-M-38210-2020 (O&M)

Date of Decision:- 25.11.2021

Ajay @ Kala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Shilak Ram Hooda, Advocate for the petitioner.

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

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.05 dated 11.1.2020 under Sections 302, 201, 120-B, 34 IPC at Police Station Sushant Lok Gurugram, District Gurugram.
2. It is the case of prosecution that on 8.1.2020, an information was received in Police Station Sushant Lok, Gurugram from the control room Gurugram to the effect that a dead body is lying in a drain in Sector 42, DLF Phase-I, Gurugram. Upon receipt of said information ASI Harender Singh alongwith other police officials went to the spot where statement of one Deepak Kumar was recorded who stated that he had noticed the dead body lying in a drain and had given information about the same to the police from his mobile phone. On 11.1.2020, one Sabnam wife of Arsad alongwith other members

of the family reached the mortuary at General Hospital, Gurugram and met ASI Harender Singh and identified the dead body to be that of her husband Arsad and thereafter presented a written complaint alleging therein that her husband Arsad used to ply Taxi through OLA company. On 7.1.2020 at about 2-3 p.m., Julekar accompanied by Lukman came to their house and took along her husband. They had come in a black coloured Audi car belonging to Sarukh. She alleged that in the evening her brother-in-law Gulab informed her that Arsad, Julekar, Lukman and Rizwan were present in village Doduya, Gohana in the house of relatives of Julekar and that Sarukh was also present there. The complainant's brother-in-law further informed the complainant that Arsad had told him that Sonu and Ajay were also with them and that although Arsad wanted to come back but Sonu and Ajay were pressurizing him to consume liquor and threatened him that in case Arsad left them, they would kill him. In the morning, when family members of the complainant went to village Dodua to look for complainant's husband, he could not be traced. Later, when they reached Gurugram, they came to know that on 8.1.2020, an unclaimed dead body had been found in a drain. The complainant alleged that the aforesaid persons had hatched a criminal conspiracy and have murdered her husband and had disposed off his dead body in a drain.

3. It is further the case of prosecution that Ajay and Sonu were arrested on 11.1.2020 and upon interrogation, they got recovered the Audi Car bearing registration No. DL-10-CJ-0900. On 13.1.2020, accused Sonu got recovered shoes of Arsad and also his mobile phone, pursuant to his disclosure

statement. Ajay got recovered Aadhar Card and PAN Card of Arsad and also a bed-sheet with the help of which deceased had been strangled.

4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that it is apparently a case of blind murder and the police upon being unable to find the murderer had falsely implicated the petitioner.
5. Opposing the petition, the learned State counsel has submitted that since the petitioner has virtually admitted his guilt in the disclosure statement and had got the Aadhar Card, PAN Card and a bed-sheet recovered, his complicity is clearly evident. The learned State counsel has, however, informed that the petitioner has been behind bars since the last about 1 year and 10 months and is not wanted in any other case.
6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that it is a case where there is no eye-witness of the murder and the same is based on circumstantial evidence. The prosecution mainly relies upon the disclosure statement of the accused pursuant to which some recoveries are stated to have been made including the recovery of Aadhar Card, PAN Card and bed-sheet. The petitioner, in any case, has been behind bars for a substantial period of 1 year and 10 months and is not stated to be involved in any other case. Conclusion of trial is likely to consume time.
8. In these circumstances, without commenting anything as regards merits of the case, this Court is of the opinion that further detention of the petitioner will not serve any useful purpose.

9. 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.

25.11.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No