

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

CRM-M-39396-2020 (O&M)

Date of decision: 23.11.2021

Prince

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ashish Pannu, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.392 dated 13.12.2019, registered at Police Station Murthal, District Sonapat, under Sections 302 and 392 and 34 IPC (added later on).

Learned counsel for the petitioner submits that the dead-body of Chikesh (since deceased) was recovered on 13.12.2019 and the same was identified by one Pardeep on 15.12.2019. On 25.03.2020, the petitioner was arrested in a case bearing FIR No. 113 dated 25.03.2020 registered under Section 25 of the Arms Act, at Police Station Murthal, Sonipat. In the present case, he was indicted on the basis of his own disclosure statement in the aforesaid case, wherein he admitted that he along with co-accused Sonu and Karambir had murdered Chikesh.

Learned counsel for the petitioner relies upon the recovery memo of a mobile phone make Vivo, to contend that IMEI (International Mobile Equipment Identity) number of mobile is different. As per the said recovery memo, the mobile phone is having two IMEI numbers (last four digits) i.e. 3069 and 3051, whereas the last four digits of IMEI number of Chikesh's mobile phone is 3050, thus, the recovery is doubtful. The petitioner has been in custody since 25.03.2020.

Learned State counsel, while vehemently opposing the prayer for bail submits that the petitioner had committed a heinous crime and is also facing trial in case bearing FIR No. 113 dated 25.03.2020 registered under Section 25 of the Arms Act, at Police Station Murthal, Sonipat. However, he does not dispute the custody period of the petitioner and that there is no other case against the petitioner. He submits that out of 26 prosecution witnesses, only two witnesses have been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 25.03.2020. The petitioner was involved in the present case, on the basis of his own disclosure statement suffered in case bearing FIR No. 113 dated 25.03.2020 registered under Section 25 of the Arms Act, at Police Station Murthal, Sonipat, in which he was arrested. As per the recovery memo, IMEI numbers (last four digits) of the recovered mobile number are 3069 and 3051, whereas the last four digits of IMEI number of Chikesh's mobile phone is 3050. The case is at the stage of evidence,. Therefore, the conclusion of the trial would taken a

long time. No useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

23.11.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No