

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

CRM-M-41881-2020 (O&M)
Date of Decision:-19.3.2021

Amarjeet ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajeev Kumar Gupta, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by ASI Raj Kumar.

(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 vide FIR No.62 dated 17.3.2018 at Police Station Chandimandir, District Panchkula under Sections 302, 396 and 120-B of Indian Penal Code.
2. The FIR in question was registered at the instance of Gurtej Singh, wherein it has been alleged that he along with Vakil had seen a dead body of a young man lying in front of North Park near village Chonki in the bushes and upon closely examining the same he found that the same was of his brother-in-law Parminder Singh (wife's brother). It is further stated therein that the face of

dead body was in mutilated condition and there were injury marks on the dead body.

3. The learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and had been implicated subsequently on the basis of alleged recovery of mobile phone of the petitioner from the spot. Learned counsel has further submitted that the police also claims that the petitioner had made confession regarding his involvement in the murder of the deceased, whereas such like disclosure statement or confession can hardly carry any evidentiary value. It has been submitted that it is a case of blind murder, wherein the police being clueless, has falsely implicated innocent persons.
4. Opposing the petition, the learned State counsel has submitted that since the mobile phone of the petitioner was found at the spot from where the dead body was recovered, the complicity of the petitioner is clearly evident. It has further been submitted that even car of the deceased was recovered from the petitioner. It has also been submitted that a blood-stained trouser of the petitioner was also recovered, which clearly shows that it is the petitioner who had committed murder of the deceased. The learned State counsel has, however, informed that the petitioner has been behind bars since the last 3 years and that as on date only 5 out of cited 17 PWs have been examined. It has been informed that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Admittedly, it is a case of blind murder, wherein the prosecution seeks to prove its case on the basis of circumstantial evidence including the factum of recovery of mobile phone of the petitioner from the spot and also the

recovery of car of the deceased from the petitioner as well as a blood-stained trouser of the petitioner. It is not disputed that the co-accused of the petitioner has already been granted bail by this Court vide order dated 28.02.2020. The petitioner as on date has been behind bars for a substantial period of 3 years and the trial in its normal course is not likely to be concluded in immediate future as only 5 out of cited 17 PWs have been examined so far. As such, 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/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.3.2021

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No