

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

CRM-M-1714-2022 (O&M)
Date of Decision:-22.9.2022

Ashok

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashit Malik, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

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.461, dated 5.9.2018, Police Station City Palwal, District Palwal, under Section 302, 34 of Indian Penal Code and Section 3 of SC/ST Act.
2. The FIR was lodged at the instance of Hari Krishan, wherein it is alleged that on 5.9.2018 at about 6:15 am, Bhupender came to their house and told them that Keshav's motorcycle was lying parked in the street and that he was also lying near Dayanand School. Upon receipt of said information, the complainant rushed to the spot and saw the dead-body of his brother Keshav lying there smeared with blood. The complainant suspected that some unknown persons had caused injuries to his brother Keshav and had killed him. The matter was investigated by the police, during the course of which, statements of several witnesses including that of Prem Chand were recorded. Upon conclusion of investigation, challan was presented against four persons including the petitioner.

3. Learned counsel for the petitioner submits that it is a case of blind murder, wherein the prosecution is banking upon circumstantial evidence mainly in the shape of 'last seen' evidence, which is the statement of none-else but of Prem Chand, who is the real brother of the deceased and the complainant and who stated that on the night intervening 4/5.9.2018, when he had gone out for a walk after dinner, he had seen his brother in the company of four accused namely Shivam @ Shibu, Kunal, Sushant and the petitioner Ashok. It has been submitted that the aforesaid evidence is a bleak type of evidence and in the absence of any other corroborative evidence, the petitioner cannot be held to have committed the murder of Keshav.
4. Opposing the petition, learned State counsel has submitted that since the police has been able to collect sufficient evidence apart from the aforesaid 'last seen' evidence, including evidence in the shape of report of FSL, as per which the T-shirt worn by the accused was found to be smeared with blood and which was of the same blood group as of the deceased, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 4 years and as on date 8 PWs out of cited 24 PWs have been examined. It has also been informed that the petitioner otherwise is not involved in any other case.
5. This Court has considered the rival submissions.
6. It is not in dispute that it is a case based mainly on circumstantial evidence. At this stage, this Court does not feel it appropriate to comment on the evidence collected by the police. However, the petitioner has been behind bars for a substantial period of more than 4 years. Conclusion of trial is likely to consume time inasmuch as only 8 PWs out of cited 24 witnesses

have been examined till date. The petitioner otherwise has a clean record. 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.

22.9.2022
pankaj

(Gurvinder Singh Gill)
Judge

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