

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

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CRM-M-4094-2022 (O&M)

Date of Decision: 06.04.2022

Harbhan Singh @ Pintu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ramneek Singh, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Jasbir Singh.

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.42 dated 26.02.2018 at Police Station Bhuna, District Fatehabad, Haryana, under Sections 302/201 IPC (Section 120-B IPC added later on) and Section 25/54/59 IPC.
2. The FIR was lodged at the instance of Pinky, wherein it is alleged that she is working as a Peon in the Labour Department. On 24.02.2018, her son Lalit told her at about 9:30 PM that he had received a telephonic call from his friend Ghora @ Manjit informing him that his mother is not well and that as such, he (Lalit) was going to meet him. However, since Lalit did not return back till the morning of the next day, the complainant started looking for him, but he could not be traced. On 26.02.2018, the dead body of Lalit was found near Miner Canal on Kherri road. The

complainant suspected that her son Lalit had been murdered by Ghora @ Manjit in connivance with some other persons.

3. It is further the case of the prosecution that subsequently the complainant Pinky (mother of the deceased) got her supplementary statement recorded to the effect that on 24.02.2018, her son Lalit had been taken by Ghora @ Manjit and Harbhan @ Pintu and that thereafter her son never returned back and the said persons murdered her son.
4. Learned counsel for the petitioner has submitted that it is a case of blind murder based totally on circumstantial evidence and in fact the complainant did not even name the petitioner when FIR was lodged, but subsequently improved the version by naming the petitioner in supplementary statement. It has further been submitted that the petitioner in any case has been behind bars for a substantial period of more than 3 years & 11 months and as such, he deserves the concession of bail.
5. Opposing the petition, learned State counsel has submitted that since the complainant in the supplementary statement categorically stated that the deceased had been taken on 24.02.2018 by Ghora @ Manjit and the petitioner, his complicity is established. It has further been submitted that apart from the said supplementary statement, the police during the course of investigation also recorded the statements of Pooja, Satyawan and Rohtash, who had also seen the deceased going in the company of the petitioner and Ghora @ Manjit on 24.02.2018. Learned State counsel has also submitted that during the course of investigation, the Police collected call details record pertaining to the mobile phone of the petitioner, which clearly shows that he was regularly in touch with co-

accused Vinod and that it is Vinod at whose behest the murder has been committed. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 3 years & 11 months and that he is not involved in any other case. It has been stated that as on date 10 PWs out of cited 26 PWs stand examined.

6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that it is a case of blind murder based totally on circumstantial evidence. It will be a matter of evidence as to whether the evidence collected by the police in the shape of 'last seen' evidence and the call details record is credible and sufficient enough to establish the guilt of the petitioner. The petitioner, otherwise, has been behind bars for a substantial period of more than 3 years & 11 months and is not stated to be involved in any other case. Conclusion of trial will take time inasmuch as only 10 PWs out of cited 26 PWs have been examined so far. 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.

06.04.2022

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