

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

111+219

CRM-M-15958 of 2022 (O&M)
Date of decision:10.11.2022

Deepak Malik

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. R.S.Malik, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

CRM No.42067 of 2022

Application is allowed as prayed for.

Annexures P-4 and P-5 are taken on record subject to all just exceptions.

Main Case

This is the third petition filed under Section 439 Cr.P.C., seeking grant of regular bail to the petitioner in case FIR No.54 dated 29.06.2019 registered under Sections 302, 201, 34 of Indian Penal Code, 1860 at Police Station GRP, Sonapat, District Sonapat.

Version of the prosecution is that FIR has been registered on the statement of Anil Kumar, who is working as a Gateman with the Railway Department. He reported that dead body with deep wounds below

the chin and throat was lying near a railway gate. A blood stained broken bottle of beer, a short pant and a pair of slippers were found lying near the dead body.

Counsel for the petitioner submits that during investigation, dead body was identified to be that of Parmod Kumar. He submits that entire case against the petitioner is based on circumstantial evidence and on the disclosure statement of the co-accused, William. By referring to the status report filed by the State, he contends that fatal injury has been attributed to co-accused William and the petitioner is alleged to have connived with him in planning the murder as well as attempting to dispose off the body. He submits that the petitioner is in custody since 09.08.2019 and as the material prosecution witnesses have been examined, he deserves to be enlarged on bail. Still further, counsel submits that first petition was preferred by the petitioner as his father had expired and by order dated 06.01.2020, this Court granted him permission to attend his *Tehrvi*. According to counsel, second petition was withdrawn on 08.03.2022 with liberty to file a fresh one with better particulars as there were some inadvertent errors therein.

Opposing the petition, State counsel upon instructions from SI Suresh, has submitted that prosecution possesses sufficient incriminating material against the petitioner to nail him. By referring to the status report, she has submitted that the petitioner had a grudge against the deceased as deceased had lodged a criminal complaint against the petitioner. As per her instructions, scooter used in the crime, a mobile phone and blood stained

clothes have been recovered from the petitioner. She submits that mobile call record establishes the presence of the petitioner at the place of occurrence. As per her instructions, 19 out of total 29 prosecution witnesses, have been examined.

Having considered the submissions made by counsel for the parties, this Court is *prima facie* of the view that complicity of the petitioner in the offence would be subject matter of debate before the Trial Court. Considering the custody period of more than 39 months, stage of the trial as well as facts and circumstances of the case, this Court is of the opinion that petitioner deserves to be released on bail.

Without adverting to the merits or de-merits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail during the pendency of the trial on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case

November 10, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes