

CRM-M-23077-2022 (O&M)

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

CRM-M-23077-2022 (O&M)
Date of Decision: June 02, 2022.

Chandan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Rakesh Dhiman, Advocate, for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case of FIR No.577 dated 22.11.2019 under Sections 302, 201 and 404 IPC, registered at Police Station DLF Phase III, Gurugram, District Gurugram.

Learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and there is no eye witness in the present case. The petitioner is stated to be roped in on the basis of the statement of Amod Kumar who was stated to be residing along with the deceased and had allegedly given a statement to the effect that the said deceased had a monetary dispute with the present petitioner. It is further submitted that said Amod Kumar has been examined as PW.1 and he has specifically stated that Ravi Kumar deceased had not told him anything about his enmity or

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monetary transactions. It is further submitted that the second evidence against the present petitioner is the CCTV footage in which the petitioner is seen going into the office of Myntra Company where even the deceased was working. It is submitted that the petitioner is also an employee of the said Myntra Company. It is submitted that in the CCTV footage, there is no footage with respect to the petitioner causing any injury to the deceased. It is further submitted that the petitioner has been in custody since 25.11.2019 (more than 2 years and 6 months) and there are 33 witnesses out of which only one witness has been examined and thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case.

On the other hand, learned counsel for the State has opposed the present petition for the grant of regular bail on the ground that even the blood stained iron rod and bag has been recovered from the petitioner. It is submitted that the chain of circumstances in the present is complete and the same indicates that it is the petitioner who had committed the crime.

This Court has heard the learned counsel for the parties and perused the record.

The petitioner is in custody since 25.11.2019 (more than 2 years and 6 months) and there are 33 witnesses out of which only one witness has been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. There is no eye witness in the present case and the petitioner was not named in the FIR. The star witness Amod Kumar Pathak who had given the statement that the petitioner had a money dispute with the deceased, has turned hostile and in his examination-in-chief, he has specifically stated that the deceased had

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never told him anything about his enmity or money transactions with anybody. The CCTV footage in question is not regarding the petitioner inflicting any injury upon the deceased. Whether the circumstances in the present case form a complete chain or not would be decided during the course of the trial and this Court does not want to give any final opinion lest it would prejudice the case of either of the parties.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to his not being required in any other case.

It is made clear that in case the petitioner tries to influence or threaten any witness, it would be open to the State to move an application for cancellation of the bail.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

June 02, 2022.
raj arora

Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No