

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

CRM-M-24545-2022
Date of Decision:-**27.07.2022**

ISHRAN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Mohit Rathee, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

Instant petition has been filed by the petitioner seeking grant of regular bail in a case having FIR No.34 dated 21.6.2021 registered under Sections 201, 302 IPC at Police Station 27 District Sonipat.

The counsel for the petitioner submits that the present case is relating to blind murder of Ashif @ Kala, regarding which FIR was registered against unknown persons and the petitioners was named as an accused on the basis of disclosure made by co-accused Ritesh. The counsel for the petitioner further contends that there was no motive for the petitioner to kill Ashif @ Kala. The counsel for the petitioner further submits that the

petitioner is in custody for the last more than 1 year and 1 month and is having no criminal history and that during investigation only one wooden stick is stated to have been recovered from the possession of the petitioner. The counsel for the petitioner further contends that all the material witnesses have been examined including the members of the family of the deceased. The counsel for the petitioner further submits that it will take time for the trial to conclude.

The present petition is opposed by the State counsel, who submits that trial is in progress and already 11 prosecution witnesses have been examined and that the petitioner is facing serious charges regarding his involvement in the murder of Ashif @ Kala. However the custody period of the petitioner and the fact that he is having no previous criminal history are not refuted by the State counsel.

I have considered the submissions made by counsel for the petitioner as well as by State counsel.

The FIR in this case was registered against unknown persons with regard to murder of Ashif @ Kala. The entire case is based on circumstantial evidence. The petitioner was arrested in this case on the basis of the alleged disclosure made by co-accused Ritesh who as per the prosecution was nursing grudge against the deceased. During the investigation the petitioner was arrested and he is in custody for the last more than 1 year and 1 month and is not involved in any other criminal as is evident from the custody certificate produced by the State counsel. As per the State counsel only one wooden stick (danda) was recovered from his possession. It is a matter of evidence as to whether said wooden stick was

used in the commission of crime. After the completion of investigation the police had put in challan and after the framing of charges trial has commenced and till date 11 PWs have been examined. It being so, there is no apprehension that if released on bail the petitioner will be able to pressurize and influence the material witnesses. However, it will take considerable time for the trial to terminate.

Keeping in view facts and circumstances mentioned above, no fruitful purpose is going to be served even if the petitioner is kept in judicial custody for indefinite period. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

27.07.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No