

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

CRM-M-25037-2022

Date of Decision: 28th September, 2022

Amandeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Manish Soni, Advocate for the petitioner.
Ms. Geeta Sharma, DAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

1. This second petition is filed seeking regular bail in case of FIR No. 388, dated 3rd November, 2019, under Section 302 of Indian Penal Code, 1860, registered at Police Station Pinjore, District Panchkula. The earlier petition was dismissed as withdrawn with liberty to file fresh with better particulars.

2. The brief facts are that on 3rd November, 2019, information was received in the police station that Gian Singh (deceased) was murdered at Guga Madi of village Karanpur (Tapriya). On the statement of Balbir Singh, FIR was registered. Six broken pieces of danda used in the crime were recovered from the spot. On the statement of Balbir Singh, Sunvir Singh, Gurvinder Singh and Amandeep (petitioner) were arrested. The place of occurrence was got demarcated by petitioner, his shoes were recovered from the spot which were left by him after committing the crime. His confession was recorded. During the investigation, tower location of the petitioner's mobile was collected and he was found to be near the place of the occurrence. Challan was presented on 31st January, 2020, charges

were framed on 9th December, 2020 and out of total twenty-three witnesses, eight have been examined.

3. Learned counsel for the petitioner submits that it is a case based upon circumstantial evidence, no motive is attributed to the petitioner. The confession recorded of the petitioner has no evidentiary value. The only link joining the petitioner to the crime was the shoes found outside the Guga Madi. The contention is that six prosecution witnesses who claimed to have identified the shoes of petitioner were declared hostile. The submission is that petitioner is resident of the village and his mobile location is bound to be of nearby place of Guga Madi. The petitioner is in custody since 8th November, 2019.

4. Learned State counsel opposes the prayer and submits that petitioner has confessed his offence in the police custody his shoes were found at the spot and his mobile tower location was around the place of occurrence.

5. It is clarified that observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.

6. The case is based upon circumstantial evidence, the chain is required to be completed. The evidentiary value of the confessional statement recorded by the police would be subject matter of the trial. Prosecution is connecting petitioner with the incident primarily on the basis of the tower location and shoes found at the Guga Madi. As per the contention of the learned counsel for the petitioner, the prosecution witnesses examined till date have not supported the case of the prosecution so far as identifying the shoes is concerned. It is not disputed that the petitioner is resident of the same village which itself raises a question with

no criminal antecedents, considering the custody period and that conclusion of the trial is likely to take time, petitioner is granted bail, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

28th September, 2022
Parveen Sharma

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No