

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

116

CRM-M-27950-2022

Date of Decision: 23.11.2022

Hemant @ Mani

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Dilbagh Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.67 dated 04.04.2021 at Police Station Bhuna, District Fatehabad, under Sections 302/201/450/120-B/34 IPC.
2. The allegations, in nutshell, are that on 04.04.2021, Satnam (deceased) went missing. Later, the dead body of Satnam was found from the roof of the newly built house of his uncle (Mama). Although no one was named as an accused in the FIR, but subsequently in the supplementary statement made by the complainant i.e. Dalip – father of the deceased, it was stated that the deceased had previously informed the complainant that the petitioner had issued threats to eliminate him as the deceased had allegedly been teasing his sister.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and came to be nominated subsequently by the complainant on the premises that his son had disclosed to him previously that the petitioner had threatened to kill him. It has been submitted that in any case the present case is a case based totally on circumstantial evidence and that the threat allegedly received by the complainant's son is hardly any evidence to connect the petitioner with the alleged murder of complainant's son.
4. Opposing the petition, learned State counsel has submitted that since it is a case where the petitioner along with 3 others went to the house of the complainant and had threatened Satnam (deceased) to eliminate him, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 1 year & 6 months and that he is not involved in any other case. It has also been informed that as on date only 2 out of cited 27 PWs has been examined.
5. This Court has considered rival submissions.
6. Having regard to the fact that it is a case based on circumstantial evidence and also that the petitioner has been behind bars for a substantial period of more than 1 year & 6 months and has a clean record and that the conclusion of trial will take some time inasmuch as only 2 out of cited 27 PWs have been examined so far, 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.

23.11.2022
Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**