

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

CRM-M-34329-2021

Date of Decision:- 23.08.2022

Deepanshu alias Chotu

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Joginder Pundhir, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Haryana
assisted by ASI Rajbir Singh.

Mr. Kujit Singh, Advocate for
Mr. C.M.Munjhal, Advocate,
for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.182, dated 11.06.2020, under Sections 302, 201 and 120-B of the IPC at Police Station Chandimandir, District Panchkula.
2. The FIR was lodged at the instance of Ram Pal, wherein he has reported about having seen a dead body of an unknown person lying in the Eco-city.
3. It is the case of the prosecution that upon scrutinising the call details of the deceased, it was found that he was in touch with co-accused Tarun. Consequently, the said Tarun was arrested and he

suffered a disclosure statement that he alongwith the petitioner and one Lucky had killed the deceased Vinod Kumar.

4. The learned counsel for the petitioner has submitted that it is a case of blind murder and there was no evidence worth credence to connect the petitioner with the alleged occurrence and that the prosecution mainly relies upon some tower locations and statements of some hotel staff where the deceased as well as the accused are alleged to have stayed on the date of occurrence.
5. The learned State counsel while opposing the petition has submitted that though it is a case of circumstantial evidence, but the evidence collected by the police clearly shows the involvement of the petitioner inasmuch as the call details records/tower location record in respect of mobile phones of the petitioner as well as of the co-accused and the deceased clearly point out that they all had stayed together at Redwood Hotel in Dhakoli, Zirakpur, on the day of occurrence. The learned State counsel has further submitted that the dead body had been found about 15 kilometers away from the hotel and that telephone towers location record pertaining to the mobile phone of the deceased, accused-Tarun and of the petitioner show that they all together were present in the hotel and later at the place from where the dead body was recovered. Learned State counsel has otherwise informed that petitioner has indeed been behind the bars since the last about 2 years and only 3 out of cited 32 PWs have been examined till date. It has also been informed that the petitioner is not involved in other case.

6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that the present case is a case based on circumstantial evidence.
8. The prosecution mainly banks upon the “last seen” evidence and the call details/towers location record to connect the petitioner with the alleged murder. In any case, the petitioner has been behind bars for a substantial period of more than 2 years and conclusion of trial is likely to consume time inasmuch as only 3 out of cited 32 PWs have been examined till date. The petitioner otherwise has a clean record and is not involved in any other case. In these circumstance, 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.

23.08..2022

dharamvir

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No