

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

(I)

CRM-M-37452-2021 (O&M)

Mohammad Jahangeer

...Petitioner

Versus

State of Haryana

...Respondent

(II)

CRM-M-23119-2022 (O&M)

Mustafa

...Petitioner

Versus

State of Haryana

...Respondent

Date of Decision: 16.08.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Randeep S. Dhull, Advocate, for the petitioner
in CRM-M-37452-2021.

Mr. Akashdeep Singh, Advocate, for the petitioner
in CRM-M-23119-2022.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Joginder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of aforesaid two petitions filed on behalf of Mohammad Jahangeer and Mustafa respectively, seeking grant of regular bail in respect of a case registered against them vide FIR No.523 dated 28.10.2020 at Police Station Tosham, Bhiwani, under Sections 147/149/302/201/379/460 IPC.
2. The FIR was lodged at the instance of Rajesh, wherein he has stated that they are 8 brothers and that his brother Chandveer (deceased) was

- residing in the fields near the pond of their village. It has been alleged that the said pond had been leased out by Panchayat to one Aatamjeet, who had employed Chandveer as a Security Guard. It has been alleged that on 27.10.2020 at about 12.30 am, he received a telephonic call from Chandveer's wife, who informed him that a person had come near their house and when Chandveer enquired from him, the said person stated that the contractor had come to take out fish from the pond. When Chandveer asked him as to where the said contractor was, the said person who had come there informed him that he (contractor) was at other side of the pond in his car. It has been alleged that the complainant was informed by Chandveer's wife that Chandveer, however, did not return back. It is further the case of the prosecution that later in the morning the dead body of Chandveer was found in the pond.
3. Learned counsel for the petitioner(s) have submitted that they are nowhere named in the FIR and in fact it is a case based totally on circumstantial evidence and that the petitioners came to be nominated on the basis of disclosure statements of other co-accused.
 4. Opposing the petitions, learned State counsel has submitted that during the course of investigation, mobile phones call details record has been collected, which clearly shows that the accused were in conversation with each other at the time when the occurrence had taken place and that as such the complicity of the petitioners is clearly evident. Learned State counsel has, however, informed that the petitioners as on date have been behind bars since the last about 1 year & 9 months and that as on date 3

out of cited 42 PWs have been examined. It has also been informed that none of the petitioner is otherwise involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that there is no eye-witness to the occurrence and that the prosecution case is mainly based on disclosure statements of the co-accused and some mobile phones call details record. The petitioners otherwise have been behind bars for a substantial period of about 1 year & 9 months. Conclusion of trial is likely to consume time inasmuch as only 3 PWs out of cited 42 PWs have been examined till date.
7. Having regard to the aforestated facts and circumstances of the case, further detention of the petitioners will not serve any useful purpose. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. A photocopy of this order be placed on the connected file.

16.08.2022

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(GURVINDER SINGH GILL)
JUDGE

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