

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-40742-2021 (O&M)
Date of Decision:- 25.7.2022

Komal @ Kamal

... Petitioner

Versus

State of U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjeev Patiyal, Advocate, for the petitioner.

Mr. Abhinav Gupta, APP, U.T. Chandigarh,
assisted by ASI Pale Ram.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0042, dated 8.3.2021, Police Station Sector 36, Chandigarh, under Section 302 IPC.
2. The FIR was lodged at the instance of Amit who had come across a dead body lying near a wall of Gurdwara. Said Amit immediately informed the police. It is further the case of prosecution that the said body was later on identified by Avdesh who has stated that the deceased was his uncle namely Kedar.

3. It is further the case of prosecution that during the course of investigation the police recorded the statements of Avdesh and also of his mother Gayatri Devi wherein they categorically stated that Kedar had been murdered by Komal as he suspected that Kedar was having illicit relationship with Gaytri Devi.
4. Learned counsel for the petitioner has submitted that it is a case of blind murder and the petitioner was nominated as an accused on the basis of the statements made by Avdesh and his mother Gayatri Devi to the effect that they suspected that the deceased had been killed by the petitioner as he was suspecting illicit relationship amongst the deceased and Gayatri Devi. Learned counsel has submitted that both the aforesaid prime witnesses of the prosecution, however, did not support the case of prosecution when they stepped into the witness box during the course of trial and that in these circumstances the petitioner who has been behind bars since the last about 1 year and 4 months deserves the concession of bail.
5. Opposing the petition, learned counsel appearing on behalf of U.T. Chandigarh has submitted that there is sufficient evidence to connect the petitioner with the murder of Kedar inasmuch as the 'stick' and 'a blood-stained shirt' which were got recovered at his instance, were found to be blood-stained and as per CFSL report the said blood was found to be matching with that of the deceased. It has further been submitted that the petitioner has been able to win over the witnesses and that he cannot be permitted to get benefit of the same.
6. I have considered rival submissions addressed before this Court.

7. It is not in dispute that it is a case based totally on circumstantial evidence. The eye-witnesses i.e. Avdesh and Gaytri Devi, upon whom the prosecution was mainly banking have already turned hostile. The petitioner has been behind bars for a substantial period of 1 year and 4 months. Conclusion of trial is likely to consume time inasmuch as till date only 12 out of cited 21 PWs have been examined. As such, further detention of the petitioner would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.7.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No