

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

CRM-M-37611-2022

Date of decision : 09.09.2022

Chand

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Balkar Singh, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. Advocate General, Haryana assisted by
ASI Ashok Kumar.

PANKAJ JAIN, J. (ORAL)

This is a petition filed u/s 439 Cr.P.C. for grant of regular bail on behalf of the petitioner in case FIR No. 269 dated 19th of June, 2021 registered for the offences punishable u/s 302, 404, 34, 120-B, 212 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, at Police Station Sonipat, District Sonipat.

2. Ld. Counsel for the petitioner submits that it a case of circumstantial evidence. As per the contents of the FIR, body of the deceased was found in fields. He died of fire shots. There were two shots on the body of the deceased. During investigation, one Mandeep and one Parvesh were apprehended, who suffered disclosure statements. Pursuant to their disclosure, weapon whereby the offence was committed was recovered from Parvesh. He submits that the petitioner has been implicated merely on

the basis of recovery of Registration Certificate of the vehicle of the deceased having been found in his possession. Ld. Counsel for the petitioner further contends that investigation is complete and the challan stands presented. Apart from the aforesaid evidence no incriminating material has been found against the petitioner.

3. Ld. State Counsel emphatically opposes the prayer made by the petitioner and submits that in fact it is the petitioner, who was the chief conspirator and the fact that the Registration Certificate of the vehicle of the deceased has been found from the possession inculcates him. However, he does not deny the fact that the challan already stands presented and the petitioner has undergone actual sentence of 1 year 8 days.

4. I have heard Ld. Counsel for the parties and have gone through the record of the case.

5. The shots due to which the deceased is alleged to have died are attributable to Parvesh and not to the present petitioner. It is not disputed that it is a case of circumstantial evidence and there is no eye-witness account.

6. Keeping in view the aforesaid facts & circumstances, without commenting on the merits of the case and purely on the fact that the petitioner has already suffered incarceration for 1 year and 8 days, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial

Court/Duty Magistrate, concerned.

7. Needless to say that anything observed herein shall not be construed to be an expression of an opinion on the merits of the case.

September 09, 2022		(PANKAJ JAIN)
Dpr		JUDGE
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No