

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

211

CRM-M-42929-2020 (O&M)

Date of Decision: 29.03.2022

Gurmeet

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. P.S.Dhaliwal, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Dayaram.

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.169 dated 02.04.2020 at Police Station Barwala, District Hisar, under Sections 302/201/34 IPC.
2. The FIR in question was lodged at the instance of Udaivir Singh, wherein it is alleged that his brother Naresh Kumar died on the intervening night of 13/14.03.2020. The same was projected as a case of death by hanging. As the circumstances of his death were not clear, the respectables of the village got the dead body cremated without post-mortem examination. Subsequently, due to suspicion against Suman, wife of deceased Naresh Kumar, the village residents investigated the matter on their own. On interrogation Gurmeet (petitioner) confessed his guilt in the village panchayat and disclosed that he, Suman and Kamlesh, sister-in-law of the

deceased murdered Naresh Kumar and hanged his dead body from the ceiling. Pursuant to registration of the above said FIR, the police investigated the case. The police arrested the above said persons and recovered scissor and rope used in commission of the offence from the house of the deceased at the instance of Suman wife of the deceased. On completion of investigation, the police charge-sheeted the petitioner along with his co-accused to face trial under Sections 302 and 201 read with Section 34 of the IPC.

3. Learned counsel for the petitioner has submitted that it is a case based totally on circumstantial evidence and that in fact there is no medical evidence to show that it is a case of murder and since the deceased was found hanging from the ceiling, the same apparently was a case of suicide, whereas the prosecution has given it a colour of murder. Learned counsel has further submitted that there is no cogent and convincing evidence with the prosecution to connect the petitioner with the alleged occurrence and that since a period of about 2 years has already elapsed since the petitioner was taken into custody and not even a single PW has been examined till date, he is entitled to be released on bail.
4. Opposing the petition, learned State counsel has submitted that it is a case where co-accused in their statements had specifically stated as regards the involvement of the petitioner. It has further been submitted that since the petitioner himself suffered extra judicial confession before the panchayat, which has duly been videographed and stands recorded in a mobile phone, the petitioner cannot resile from the same particularly when his statement under Section 164 Cr.P.C. admitting the crime has

also been recorded. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year & 11 months and that although charges have been framed, but not even a single witness out of cited 18 PWs has been examined. It has also been informed that the petitioner is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the present case is a case based totally on circumstantial evidence. There is absolute lack of medical evidence as regards the cause of death. The petitioner, otherwise, has been behind bars for a substantial period of about 2 years. Conclusion of trial is likely to consume time inasmuch as not even a single PW out of cited 18 PWs has been examined so far. The petitioner, otherwise, has a clean record and is not stated to be involved in any other case. In these circumstances, 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.

29.03.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**