

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-43801-2020

Date of Decision: 25.8.2022

Bittu

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. R.A.Sheoran, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.20 dated 10.3.2019 registered for the offences punishable under Sections 147, 149, 302, 201 IPC at Police Station Bond Kalan, District Charkhi Dadri.

Counsel for the petitioner submits that the petitioner has been falsely implicated in this case on the basis of the statement made by complainant-Jai Bhagwan. He further submits that as per allegations in the FIR, his son Krishan was sitting in the area of Dharamshala where 3 persons namely Som Dutt, petitioner-Bittu and Amit came on a motorcycle and started beating Krishan and thereafter, whereabouts of Krishan were not known and then the matter was reported to the police and FIR was registered under Section 346 IPC; that subsequently, the dead body of Krishan was recovered and the petitioner and co-accused were nominated as

accused on the basis of suspicion. He further contends that the petitioner is in custody for the last about 3 years and 6 months and is having no criminal history. He further submits that the entire case is based on circumstantial evidence and the material witnesses i.e. complainant-Jai Bhagwan, Satyawar and Ram Avtar have already been examined and copies of their statements are Annexures P-3 to P-5. He further submits that it will take time for the trial to conclude and as such, no purpose is going to be served by keeping the petitioner in custody for any longer period.

Present petition is contested by the State counsel who submits that the petitioner is named in the FIR being one of the three boys who gave beatings to Krishan. She further submits that the deceased was lastly seen in the company of the petitioner and his two companions and thereafter, his dead body was recovered. She on instructions from ASI Jora Singh has not disputed about the custody period of the petitioner and the fact that the trial is going on and 7 prosecution witnesses have been examined out of total 33 prosecution witnesses.

I have considered the submissions made by the counsel for the parties.

No doubt, the petitioner is named in the FIR. Only allegations in the FIR are that on 9.3.2019, the petitioner, Som Dutt and Amit gave beatings to deceased Krishan and thereafter, Krishan went missing and subsequently, his dead body was recovered. Entire prosecution case is based on circumstantial evidence. The petitioner was arrested in the present case on 12.3.2019 and as per custody certificate furnished by the State counsel, his custody comes out to be more than 3 years and 5 months and he is not having any criminal antecedents. As has been stated by the State counsel,

out of total 33 PWs, the prosecution has examined 7 witnesses and the trial is going on. Admittedly, complainant-Jai Bhagwan, Satyawar and Ram Avtar have been examined. It will take time for conclusion of trial. In the given circumstances, this Court is of the view that no useful purpose is going to be served by keeping the petitioner behind the bars for any longer period. Also there is no apprehension that if released on bail, the petitioner is going to influence the complainant.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

August 25, 2022

Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No