

220

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

CRM-M-52840-2021

Date of decision : 11.05.2022

Prince

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Ms. Anju Arora, Advocate for the complainant.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.67 dated 04.04.2021 under Sections 450, 302, 120-B, 201 and 34 Indian Penal Code, 1860 registered at Police Station Bhuna, District Fatehabad, who is in custody since his arrest on 19.05.2021.

The allegations in the FIR, as noticed by learned Sessions Judge, Fatehabad in the order dated 22.11.2021 are as under:-

“As per prosecution case, complainant Dalip Singh got recorded his statement to police that he is having two sons, elder is Hargovind and younger is Satnam. His son Satnam was residing in the house of his brother-in-law (Sala) Ram Niwas in village Nehla for the last two years. On 04.04.2021 at about 8:00/8:30 a.m. his son Hargovind received call from Sachin, son of his brother-in-law that after taking meals in the evening, Satnam went to sleep in new house and that day, it was their turn to use water for irrigation and for this purpose, he made call to Satnam, but he did

not pick up his call and thereafter, when he himself went to said house, he found that dead body of Satnam was lying there. Upon receiving this information, he (complainant) alongwith his family members reached village Nehla and found that dead body of his son Satnam was lying there and there were multiple injuries on face, head, eyes on dead body of his son and blood in huge quantity had oozed. Complainant alleged that some unknown persons had murdered his son Satnam by giving injuries with bricks and other weapons and prayed that appropriate action may be taken against accused persons. On the basis of abovesaid statement, present FIR under Sections 450 and 302 read with Section 34 of IPC was registered. During investigation, on 07.04.2021, complainant Dalip got recorded his supplementary statement to the effect that on 04.04.2021 when he made his statement in this case, then due to shock he could not disclose that on the day of Holi Festival, Satnam had made telephonic call to him telling that due to mistake he had sent some messages on WhatsApp to Anjali, resident of Ladwa for friendship and when her family members came to know about this, then they came to house of Ram Niwas, his maternal uncle, for rebuking them and at that time, he had admitted his fault and matter was settled. Thereafter, Hemant son of Rajbir, Prince (applicantaccused) son of Sanjay and 'A' (since juvenile) met him (Satnam) and threatened him to face dire consequences. Complainant further stated that he had full suspicion that Hemant, Prince (applicant-accused) and 'A' (since juvenile) had murdered his son Satnam at about 10:00/10:15 p.m. on 03.04.2021. During further investigation, on 16.04.2021 Hemant son of Rajbir, 'A' (since juvenile) and Amit son of Mahabir were arrested in this case. Offence under Section 120-B of IPC was added in the case. Co-accused Amit suffered his disclosure statement admitting his involvement in the present offence. During further investigation, offence under Section 201 of IPC was also added in the case. On 19.05.2021, applicant-accused Prince was arrested in this case and during interrogation, he suffered his disclosure statement admitting his involvement in the present case. After completion of investigation, police submitted challan in the court against applicant-accused Prince and co-accused Amit and Hemant."

Learned counsel for the petitioner has argued that as per complainant, dead body of his son (Satnam) was found lying on roof top of under-construction house and as per initial version given by complainant-Dalip Singh his son was murdered by unknown person. According to him, the victim was residing in the house of Ramnivas, who was his maternal uncle and subsequently, the complainant relied upon a telephonic conversation with his son and implicated three persons, namely Hemant, Ankit and Prince through supplementary statement dated 07.04.2021, wherein it was stated that as Satnam had sent friendship message to a girl, therefore, he was being threatened by these persons. According to learned counsel, the investigation of the case has been completed, but no such electronic evidence relating to the alleged messages has been collected. He has argued that the case of the prosecution is based upon circumstantial evidence, therefore, his further custody may not be necessary as one of the similarly situated co-accused has already been released on bail. He prays for bail.

On the other hand, the prayer is opposed by learned State counsel assisted by SI Dilbagh and learned counsel for the complainant, who have argued that the petitioner was involved in the crime and weapon of the offence (gandasi) was recovered from him, however, it is not disputed that no such evidence relating to the alleged message sent by the victim was collected. Apart from it, it is also not disputed by learned counsel for complainant that the telephonic conversation between father and son on the festival of Holi was not mentioned in the first statement. Learned State counsel further stated that though the charges were framed on 06.09.2021, but out of total 27 prosecution witnesses none has been examined.

After hearing learned counsel for the parties, considering the above background as well as petitioner's custody, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 19.05.2021. Apart from it, the material witnesses are either close relatives of the victim or police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned/Duty Magistrate.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

11.05.2022

vanita

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