

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:054156
CRM-M-2154-2023
Date of Decision: April 18, 2023

Jagphool alias Pintu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rakesh Lathwal and Mr. Man Mohit Malik, Advocates
for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

Arrested on 07.12.2019 during the investigation of case FIR No.414, dated 29.11.2019, registered at Police Station Kharkhoda, District Sonipat (Haryana), under Sections 302 and 201 of IPC, petitioner has now prayed for grant of regular bail by moving this petition under Section 439 Cr.P.C.

2. FIR was lodged on the statement of Sudram, as per which his father Ramashish used to visit Baba Ramnath at Gopalpur Road, Pir Baba, Sikriganj. On 28.11.2019 his father had gone there, but did not return till morning; that he was returning from Gopalpur Road searching for his father and on the way, he found the dead body of Baba Ramnath in the drain with blood oozing. He came to Sahid Baba Peer, where he found the dead body of his father Ramashish smeared with blood and brick injury on his head. Alleging that his father Ramashish and Baba Ramnath have been murdered by some unknown person(s), prayer was made to take necessary action. During investigation, physical evidence was collected. Inquest proceedings under Section 174 Cr.P.C. was conducted. On 30.11.2019, one Jagpal made a complaint, as per which his

uncle Hari Kishan @ Ramnath had become Baba 15 years back; that he

(Jagpal) used to visit him and had been told by his uncle that Pintu (petitioner) used to harass him. It was further disclosed by said Jagpal that on 29.11.2019 at about 3 am, he had seen the petitioner coming from the side of Peer Dargah and at that time he was tensed and there were blood stains on his clothes. He had then gone to Kurukshetra and on return he came to know about the murder of his uncle Ramnath @ Hari Krishan and his disciple Ramashish and he was sure that they have been murdered by the petitioner. Further prosecution case is that petitioner was arrested on 07.12.2019 that he suffered a disclosure statement admitting to have committed murder of Hari Krishan @ Ramnath and Ramashish as deceased Ramnath used to refuse to give money to him on demand. As per prosecution case, disclosure statement suffered by the petitioner led to the recovery of mobile phone of deceased Ramashish and Adhar Card of deceased Hari Krishan @ Ramnath. Prosecution also claims that as per FSL report, human blood was found on the cotton swab, wooden log, clothes and brick found from the spot.

3. It is contended by the petitioner that it is a blind murder case based on circumstantial evidence and there is no legally admissible evidence to show his involvement, but he has been falsely implicated in collusion with the police. It is pointed out that material witness, namely, Jagarnath, Sheela Devi, Dilbag, Vinod and Jagpal already examined by the prosecution, have not supported the prosecution case and turned hostile. FSL report does not reveal any incriminating evidence against the petitioner. Prosecution alleges to have effected the recovery of mobile phone and Aadhaar Card in the presence of witnesses Sheela Devi and Vinod, but both of them during their testimony before the Court resiled

from the alleged version of the prosecution and turned hostile, clearly stating that no recovery was effected in their presence. It is further submitted that out of 27 witnesses cited by the prosecution, only 5 have been examined so far and trial is likely to take long time to conclude and so the petitioner be granted bail, being in custody for the last more than 3 years and 4 months.

4. Learned State counsel has opposed the bail petition on the ground that it is a double murder case and that the petitioner is the sole accused against whom sufficient circumstantial evidence was collected during investigation.

5. Having considered submission of both the sides, I find this to be a fit case for grant of regular bail. Prosecution relied upon the last seen evidence of PW Jagpal, but during his testimony as PW5 (statement Annexure P-5), he denied to have moved any application to the police or to have ever seen the accused with blood stains on his clothes. Prosecution also relied upon the recovery of mobile phone of one deceased and Aadhaar Card of the another deceased, consequent upon the disclosure statement of the petitioner in the presence of Sheela Devi and Vinod, but said Sheela Devi and Vinod during their testimony as PW2 and PW4 respectively (Annexures P-2 and P-4) denied that any recovery was got effected by the petitioner in their presence. The case is dependent upon the circumstantial evidence. Petitioner is in custody for the last more than 3 years. Trial is likely to take long time. In these circumstances, bail cannot be denied simply because the petitioner is the sole accused and is facing trial for double murder.

6. In view of the aforesaid discussion, but without commenting further on the merits of the case, petitioner is admitted to bail and he is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate concerned.

7. However, it is made clear that Trial Court will not be influenced in any manner whatsoever by any opinion expressed by this Court in this order.

Allowed.

April 18, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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