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

**CRM-M-4337-2023
Date of decision : 04.07.2023**

Sachin alias China

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ramesh Goyat, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.173 dated 2nd of December, 2021 registered for the offences punishable under Sections 302, 346, 364, 120-B, 201 & 34 the Indian Penal Code, 1860 at Police Station Moohana, District Sonipat.

2. Initially the FIR was lodged w.r.t. missing of deceased Rajender on the statement made by his son namely Mohit to the following effect :

“To, the SHO, PS Moohana, Sir, Submitted that I Mohit son of Rajender, am resident of Village Badshahpur Machhri and am an agriculturist. We are two brother and sister. Elder sister Priyanka was got married and I am younger to her. My father

Rajender, aged 65 years has gone to Farmer's Agitation at Kundli Border on 18.11.2021 at about 5:00 am. After several days I contacted my father on his mobile 8930405098. His phone was found switched off. My father did not return back till date nor he had reached at Farmer Agitation. My father was wearing white kurta pajama, white sweater and cream colour shoes. He was of whitish colour, long face with a robust body and his index finger of left hand was amputated. I suspect that some unknown person might have confined his father at some unknown place. My father may kindly be searched. I have submitted the application in the police station. Sd/- Mohit, Mob. 7015651559.”

3. As per the version put-forth by the prosecution wife of Rajender namely Santra presented a complaint on the basis of which Sections 364, 120-B, 34 IPC were added. It is being claimed that on 29th of December, 2021, present petitioner suffered a disclosure statement and on the basis of such statement suffered by him Sections 302, 201 IPC were added. It has been further claimed that an amount of Rs.16,000/- was also recovered from the petitioner which he allegedly got from Mohit son of the deceased Rajender as a reward for murdering of Rajender.

4. Counsel for the petitioner submits that apart from disclosure statement alleged to have been made by the present petitioner there is no link. So much so even the dead-body has not been recovered. It has been further submitted that Santra wife of deceased Rajender while appearing as PW-2 has not supported the case of the prosecution and has been declared hostile. Counsel for the petitioner further submits that the petitioner is in custody since 30th of December, 2021. Investigation already stands

concluded, challan stands presented and even in the trial all the material witnesses apart from official witnesses stand examined and the most material witness i.e. wife of the deceased namely Santra has not supported the prosecution theory.

5. Counsel representing the State submits that the petitioner is a contract killer though he has not disputed that apart from the statement suffered by Sachin-the present petitioner, there is nothing on record that can serve as a link. He further submits that the car used in the present offence also stands recovered. On a specific query as to whom the said car belongs, State Counsel is not in position to answer the same.

6. Without commenting on the merits of the case and keeping in view the incarceration already suffered by the petitioner and the fact that after completion of investigation challan stands presented and the material witnesses have deposed before the Trial Court, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

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

July 04, 2023
Dpr

(Pankaj Jain)
Judge

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