

2023:PHHC:057225

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

CRM-M-8889-2023

Date of Decision: 24.04.2023.

RAJU

... PETITIONER

VS.

STATE OF U.T. CHANDIGARH

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms.Neeru Bansal, Advocate
for the petitioner.

Mr. Deepinder Brar, Addl. P.P.
for U.T. Chandigarh.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 25 dated 11.02.2018 under Sections 302 and 34 IPC registered at Police Station Mauli Jagran, Chandigarh.
2. Custody certificate has been placed on record.
3. Briefly, the FIR has been registered on the basis of the statement of Lakshman Sahu-complainant alleging that his brother Pawan Sahu alongwith his younger brother Gulshan has been residing in Mauli Jagran, Chandigarh and working in a hotel in Panchkula. His younger brother Roshan telephonically informed that Pawan had not returned back to the house after the work. The complainant went to Mauli Jagran and came to know that during the intervening night of 10/11-02-2018 at about 12:30 A.M, 3/4 unknown persons attacked his brother with an intention to kill near community centre, Vikas Nagar, Mauli Jagran. The victim was taken by the police to GMCH, Sector-32, Chandigarh, where he was declared dead.

4. Learned counsel for the petitioner contends that the petitioner is in custody for a period of 05 years, 02 months and 10 days. Though, he is involved in another case bearing FIR No. 28 dated 13.02.2018 but has been acquitted in terms of the judgment dated 06.05.2019 passed by the learned trial Court. It is a case based upon circumstantial evidence. The petitioner has not been named in the FIR. Co-accused, namely, Rahul son of Vinod and Rahul son of Bhagelu Ram have been granted regular bail in terms of the order dated 04.01.2023 passed by the Coordinate Bench of this Court in CRM-M-59086-2022, Annexure P-2. Moreover, the complainant has been examined in the instant case and only police officials remained to be examined.

5. Learned counsel for the U.T .Chandigarh has opposed the bail application on the score that the case of the petitioner cannot be termed to be at parity with the co-accused who have been granted bail as blood stained clothes and knife have been recovered from the possession of the petitioner.

6. It may be mentioned here that even the blood stained clothes of the co-accused alongwith mobile phone of the deceased were also recovered from Rahul son of Bhagelu Ram. The petitioner is in custody for a period of 05 years, 02 months and 10 days and presently not involved in any other case. The co-accused have been granted bail. The statement of the complainant has been recorded. Five witnesses still remain to be examined and are stated to be police officials. As such, it cannot be said the petitioner can, in any manner, win over and influence those witnesses.

7. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and

petitioner is ordered to be released on bail, subject to his furnishing
bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial
Magistrate/Duty Magistrate.

24.04.2023
smriti

(VIVEK PURI)
JUDGE

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