

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-20105-2022 (O&M)

Date of Decision: 2.2.2023

Ankit

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ramnish Puri, Advocate
for the applicant-petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J.(Oral)

CRM-4393-2023

Notice of the application.

Mr. Naveen Kumar Sheoran, DAG, Haryana accepts notice on
behalf of the State and pleads no objection if the same is allowed.

Accordingly, the application is allowed and the main case is
taken on board today itself. Documents Annexure P-8 and P-9 are taken on
record subject to all just exceptions.

Main case

Prayer in the present petition under Section 439 of Code of
Criminal Procedure is for grant of regular bail to the petitioner in case FIR
No.317 dated 27.8.2020 registered for the offences punishable under
Sections 302, 201, 364, 120-B, 34 IPC at Police Station IMT Rohtak,
District Rohtak.

As per allegations recorded in the FIR, complainant-Harender Singh son of Rakam Singh reported to the police that he was having one son namely Ankit aged about 22 years; that on 26.8.2020, complainant Harender Singh has gone to village Khalaur, District Bulandshahar (U.P.) and at about 3:00 a.m. in the night, he received telephonic call of his neighbour Naresh having phone No.9541392874 and he informed the complainant that two boys who were staying with Ankit son of the complainant, took away his motorcycle at about 1:30 a.m. and then they went away along with Ankit son of the complainant and on receiving the said message, the complainant reached his house on the next morning and tried to locate his son Ankit and then he found that the dead body of his son was lying in the field in village Mor Kheri and he further came to know that his son was murdered by Jaideep, Paramjit, Mukesh and petitioner-Ankit.

Counsel for the petitioner *inter alia* contends that the petitioner is falsely named in the FIR at the instance of the complainant and the present case is relating to blind murder of the son of the complainant and the petitioner is in custody since 2.9.2020 and during the trial, material witness Naresh retracted from his previous statement recorded by the police and failed to support the case of the prosecution. He further submits that the testimony of the complainant is to be considered as hearsay evidence as nothing was directly witnessed by him and he got information only through star witness Naresh. He further submits that even during the investigation, nothing was recovered from the petitioner and it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

State counsel on instructions from ASI Sombir submits that the petitioner is named in the FIR as one of the assailants who committed murder of Ankit son of the complainant. However, State counsel has not disputed the fact that the petitioner is in custody since 2.9.2020 and is having no criminal history and during the investigation, no incriminating article was recovered at his instance. State counsel has also not disputed the fact that during the trial, Naresh has not stated anything against the present petitioner in his testimony (Annexure P-2) and further that the entire case is based on circumstantial evidence.

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

There is no doubt that the petitioner was named in the FIR which was recorded on the basis of the statement made by complainant Harender Singh who received telephonic call from his neighbour Naresh that two boys took away the son of complainant namely Ankit on his motorcycle and thereafter, the deadbody of Ankit son of the complainant was found lying in the field. The petitioner was arrested on 2.9.2020 and during the investigation, no weapon or incriminating article was recovered from his possession. During the trial, star witness Naresh has not supported the case of the prosecution as is clear from the copy of deposition Annexure P-2 which is available on record. The entire case is based on circumstantial evidence and even the complainant stands examined but it will take time for conclusion of trial. Thus, no fruitful purpose is going to be served by keeping the petitioner in custody for any further period.

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

February 2, 2023
Paritosh Kumar

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