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2023 : PHHC : 124965

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19869-2022 (O&M)
Date of Decision: 22.09.2023

MANJEET

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sahil Gupta, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 52 dated 22.03.2019 under Sections 201, 202, 302 and 34 IPC (Sections 202 and 34 IPC added later on), registered at Police Station Hansi Sadar, District Hisar, Haryana.

2. Custody certificate has been taken on record.

3. Learned counsel for the petitioner contends that it is a case of circumstantial evidence. The dead body of Bhim Singh, deceased was found in the pond of the village and at the first instance, the father of the deceased had lodged an FIR against unknown persons. After two days, the statement of Anil, the brother of the deceased was recorded to the effect that he had seen the deceased in the company of the petitioner and 4 other persons. As per the case of the prosecution, human blood was found on the clothes of the petitioner. Besides, recovery of mobile phone of the deceased has been allegedly effected from the petitioner. The petitioner is in custody for a period of 4 years, 5 months and 26 days and not involved in any other

4. Learned State counsel has opposed the bail application on the score that out of 24, 12 witnesses have been examined, 2 witnesses have been given up and 2 witnesses have since died. It has also been submitted that although it is a case of circumstantial evidence but there are sufficient circumstances to indicate the guilt of the petitioner.

5. It has not been disputed that the father of the deceased has passed away and statement of Anil, the brother of the deceased has been recorded in the trial Court. The case is based upon circumstantial evidence. The petitioner is in custody for a period of about 4-1/2 years and not involved in any other case. Still 8 witnesses remain to be examined. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

6. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making 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 fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. The petition is allowed.

22.09.2023

Janki

**(VIVEK PURI)
JUDGE**

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