

CRM-M-19210 of 2023

2023:PHHC: 135933

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

CRM-M-19210 of 2023

Date of Decision: 18.10.2023

Jaideep

...Petitioner

Versus**State of Haryana**

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Ramnish Puri, Advocate
For the petitioner.**

Mr. Neeraj Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

1. The present second petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 317 dated 27.08.2020, registered under Sections 302, 201, 364, 120-B and 34 of Indian Penal Code at Police Station IMT Rohtak, District Rohtak.

2. As per the allegations recorded in the FIR, complainant Harender Singh reported to the police that he was having one son namely Ankit aged about 22 years; that on 26.08.2020 complainant had gone to village Khallaur District Bulandshahr (UP) and at about 3:00 a.m. in the night his neighbor made telephone call to him and informed the complainant that two boys who were staying with Ankit, took away his motor cycle at about 1:30 a.m. and then they went away along with Ankit. On receiving the said message the complainant left for his village and reached there on the next morning and tried to locate his son Ankit and the dead body of Ankit was found lying in the fields in village Mor Kheri and he came to know that

his son was murdered by petitioner Jai Deep, Paramjit and Mukesh and one Ankit.

3. The counsel for the petitioner, *inter alia*, contends that petitioner has been falsely implicated in the present case which is relating to blind murder of Ankit son of the complainant and that petitioner is in custody for the last more than 03 years and during trial material witness Naresh retracted from his previous statement and failed to support the case of prosecution. The counsel has further submitted that the testimony of the complainant is not of much relevance it being hearsay evidence. It is further submitted that co-accused Ankit son of Naresh has already been granted regular bail by this Court vide order dated 02.02.2023 in CRM-M-20105 of 2022. So, prayer is made that petitioner be released on bail.

4. The present petition is contested by the State counsel who, *inter alia*, submits that petitioner was named in the FIR and motor-cycle owned by the petitioner was used in commission of crime and later on the same was recovered. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 03 years and that only 10 witnesses are examined out of total 40 witnesses on behalf of the prosecution and further material witness Naresh has not stated anything against the petitioner in his testimony.

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

6. Admittedly, the petitioner was named in the FIR which was recorded on the statement of complainant of Harender Singh who received telephonic call from his neighbor Naresh that two boys took away his son

Ankit on his motor cycle. The petitioner is in custody for the last more than 03 years and during investigation one motor cycle is stated to be recovered from his possession. During the trial main witness Naresh failed to support the case of prosecution. Undoubtedly, the entire case is based on circumstantial evidence and even the complainant stands examined but it will take time for the trial to conclude. Furthermore, co-accused Ankit is already enlarged on bail vide order dated 02.02.2023 by this Court.

7. Thus, 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.

18.10.2023

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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No