

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-27048-2021 (O&M)

Date of Decision: 28.3.2023

Rohit and another

....Petitioners

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present : Mr. G.S.Sandhu, Advocate
for petitioner No.1.

Mr. Sahil choudhary, Advocate,
for petitioner No.2.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J.

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.358 dated 31.8.2020 registered for the offences punishable under Sections 323, 341, 34, 325, 302, 120-B IPC at Police Station Indri, District Karnal.

The allegations in nutshell are that complainant-Virender @ Shubham got recorded his statement with the police to the effect that on 24.8.2020, he received phone call that some unknown persons have caused injuries to his father Karambir in the area of village Chandrav and thereafter, injured Karambir was admitted in the hospital. Injured Karambir died on 29.9.2020.

Counsel for the petitioners *inter alia* contends that petitioner

No.1 was arrested on 24.11.2020 while petitioner No.2 was arrested on

22.11.2020 and presently, they are lodged in judicial custody. He further submits that the entire case is based on circumstantial evidence and the complainant while appearing in the witness box, has not supported the case of the prosecution and copy of his testimony is Annexure P-7. He further contends that it will take considerable time for the trial to conclude and as such, no purpose is going to be served by detaining the petitioners in custody for any longer period.

The present petition is contested by the State counsel who on instructions from SI Ram Diya submits that in the present case, FIR was registered against unknown persons and during investigation, both the petitioners were arrested on 24.11.2020 and 22.11.2020 respectively and petitioner No.1 got effected recovery of wooden *danda* while one brick was recovered at instance of petitioner No.2. He further apprised the Court that the trial is going on and during trial, the complainant has been examined. However, the State counsel has not disputed the fact that while appearing in the witness box, the complainant failed to support the case of the prosecution. He further apprised the Court that till date, only one prosecution witness has been examined out of total 30 witnesses on behalf of the prosecution.

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

Admittedly, in the present case, FIR was registered against unknown persons for committing murder of Karambir father of the complainant. Entire case is based on circumstantial evidence and during investigation, both the petitioners were arrested and presently, they are in custody for the last more than 2 years and 4 months. During investigation,

one wooden *danda* was recovered from the possession of petitioner-Rohit while petitioner No.2-Balram got effected recovery of one brick. From the perusal of Annexure P-7, it appears that while appearing in the witness box, the complainant has not stated anything against both the petitioners. Admittedly, till date, only complainant has been examined out of total 30 witnesses on behalf of the prosecution and thus, it will take considerable time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioners 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 petitioners are ordered to be released on regular bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 28, 2023
Paritosh Kumar

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