

SUNIL KUMAR SHAH **...Petitioner**

STATE OF HARYANA ...Respondent

2. Learned counsel for the petitioner submits that the petitioner has been implicated in the aforesaid FIR on the basis of confessional statement made by him involving himself in the alleged murder of Nikki. He also submits that present is a case of circumstantial evidence where the petitioner has already suffered incarceration of more than 2 years and investigation has been completed with the filing of challan followed by framing of charges and all the material witnesses stand examined, as such there is no apprehension left with the prosecution of petitioner influencing the witnesses. He further submits that out of 21 witnesses, 3 have been

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examined so far and trial is likely to take some time and there is no direct evidence against the petitioner, besides it, the other three co-accused already having granted concession of bail.

3. On the other hand, learned State counsel vehemently opposed the prayer made by the counsel for the petitioner by submitting that in the investigation, direct motive has been attributed to the petitioner and his case is totally distinguishable as compared to the other co-accused who have been granted concession of bail.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submission made on behalf of the petitioner.

5. In the present case, there is no direct eyewitness regarding involvement of the petitioner in the present case and as the present is the case of circumstantial evidence and the investigation already stands concluded besides, the petitioner having suffered incarceration for a period of more than 2 years with the material witnesses i.e. parents of the deceased already having been examined with there being no apprehension of any kind of influence likely to be exerted by the petitioner upon the remaining witnesses and also the fact that the petitioner is not involved in any other case and is first offender, I do not find any reason to extend his incarceration any further.

6. Without commenting upon merits of the present petition, the same is allowed. Petitioner is ordered to be released on bail subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, nothing expressed hereinabove shall be construed

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as an expression of opinion on the merits of the case.

15.05.2023
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(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>