

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24395 of 2023
Date of decision: 22nd August, 2023

Manoj

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Hariom Sharma, Advocate for the petitioner.

Ms. Trishanjali Sharma, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.160 dated 26.05.2020 under Sections 302, 201, 120-B IPC registered at Police Station Rai, District Sonapat.

2. Learned counsel for the petitioner inter alia contends that it is a case resting on circumstantial evidence. The dead body of the deceased Pawan Dass was found in a bag on the roadside. During investigation, co-accused Abhishek was arrested, who then allegedly suffered a disclosure statement nominating the petitioner as an accused. It has been vehemently argued that the evidentiary value of such disclosure statement is very weak and still further, the motive to commit the crime in question was stated to be an illicit relationship between the wife of the deceased and co-accused Abhishek. He submits

that as far as the petitioner is concerned, he had no motive to commit the crime in question and even as per the witness of last seen, it was the co-accused Abhishek who had been seen in the company of the deceased soon before the occurrence in question. Learned counsel has further submitted that the witness of last seen has since been examined and he too, during his deposition, had reiterated that it was the co-accused Abhishek who had been seen with the deceased soon before the deceased was done to death. Learned counsel submits that since the petitioner has now been in custody for more than 3 years, having been arrested on 25.07.2020 and only 7 prosecution witnesses out of 34 cited have been examined so far, there is no likelihood of the trial concluding in the near future, and still further, in the facts and circumstances, his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute that the witness of last seen during his deposition had only mentioned about the presence of co-accused Abhishek with the deceased and there was no mention of the petitioner. She, however, submits that the petitioner was nominated as an accused on the basis of a disclosure statement made by the co-accused Abhishek, wherein he stated that the petitioner was accompanying him and had also inflicted injuries on the deceased.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody for more than 3 years, having been arrested on 25.07.2020 and there is no likelihood of the trial concluding in the near future as 27 prosecution witnesses still remain to be examined. The motive to commit the crime has been attributed to co-accused Abhishek. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 22, 2023
rps

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