

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

220

2023:PHHC:103498

CRM-M-28123-2023 (O&M)
Date of decision: August 8th, 2023

Aman Riar @ Amandeep Singh @ Riar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. Inderpal Singh Sabharwal, Deputy Advocate General,
Punjab.

MANJARI NEHRU KAUL, J.

The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.19 dated 15.02.2023 under Sections 304, 34 IPC (Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on) registered at Police Station Bullowal, District Hoshiarpur.

Learned counsel for the petitioner submits that on the face of it, a totally false case has been planted upon the petitioner for having murdered the son of the complainant on 11.02.2023. Learned counsel, while drawing the attention of this Court to the allegations levelled in the FIR has further submitted that the complainant had alleged in the FIR that he had found out from 'some sources' that his deceased son was last seen in the company of the petitioner on 11.02.2023 and, therefore, it was none other but the petitioner who had murdered him.

Learned counsel for the petitioner further submits that it was a matter of record that the dead body of the deceased was found on 15.02.2023 tied

to a tree in a standing posture. Learned counsel, while drawing the attention of this Court to the post-mortem report annexed as Annexure P-3, has submitted that the prosecution version stood falsified from the fact that as per the post-mortem report, the probable time between death and post-mortem examination was within 24 hours. Hence, the petitioner could not be linked with the murder of the deceased. It has still further been submitted that a perusal of the disclosure statement allegedly made by the petitioner annexed as P-1 does not in any manner reflect the involvement of the petitioner in the murder of the deceased as in the said disclosure statement, it had been stated by him that the deceased was with him on 11.02.2023 from 11:30 to 3:10 PM, which was in fact four days before the dead body of the deceased was found tied to the tree. Learned counsel has still further submitted that the case in hand rests on circumstantial evidence and no motive had come to the fore against the petitioner to commit the crime in question. It has still further been submitted that the petitioner has been now in custody since 16.02.2023, investigation is complete, however, charges have not yet been framed and thus, there is no likelihood of the trial concluding in the near future. Learned counsel, therefore, prays that in the above facts and circumstances, the petitioner be enlarged on bail more so since he has clean antecedents and is not involved in any other criminal case.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that the deceased was last seen in the company of the petitioner on 11.02.2023. However, at the same time, learned State counsel has not been able to dispute the fact that as per the post-mortem report, death of the deceased had occurred just 24 hours prior thereto. Learned counsel has further not

been able to dispute that during investigation no other incriminating material had been found against the petitioner.

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

The case in hand hinges on circumstantial evidence. The charges are likely to be framed on 26.08.2023. The petitioner has been in custody since 16.02.2023 and thus, trial will take considerable time to conclude.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. The instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

August 8th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No