

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

CRM-M No.32575 of 2023
Date of decision: 5th October, 2023

Krishan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhishek Chha, Advocate for the petitioner.
Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.89 dated 14.02.2022 under Sections 302, 201, 34 IPC registered at Police Station Civil Lines, District Sonipat.

2. As per the allegations levelled in the FIR, on 13.02.2022 the dead body of the deceased was found in an e-rickshaw. On being informed, the police reached the spot. On 14.02.2022, brothers of the deceased contacted the police and identified the e-rickshaw, from which the dead body was recovered, to be that of their deceased brother. It was then that they learnt that their brother Krishan Kant had been murdered by some unknown persons. On the basis of a complaint, the FIR in question was registered and investigation commenced. On 14.02.2022, the petitioner was arrested.

3. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand without there being any cogent evidence on record to even remotely link him with the murder of Krishan Kant. It has been submitted that the FIR in question was registered against unknown person and no suspicion much less by way of a whisper was raised by the complainant party against the petitioner while lodging the FIR in question. Learned counsel has further submitted that after the petitioner was arrested on 14.02.2022, as many as 3 out of the 17 prosecution witnesses had been examined, hence, there was no likelihood of the trial concluding in the near future. He has, thus, prayed for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Shamshu, has submitted that no doubt the case in hand hinges on circumstantial evidence, however, it is a matter of record that vide order dated 04.11.2022 learned trial Court had extended the concession of bail to the petitioner for a period upto 27.03.2023. However, he had jumped bail by not surrendering before the trial Court on time. Learned State counsel has further controverted the submissions qua there being no cogent evidence to link the petitioner with the crime in question. On further instructions, he has submitted that the petitioner along with co-accused, had taken on rent the e-rickshaw of the deceased and soon before the occurrence in question, they all could be seen together in the

CCTV footage, which had been retrieved and collected by the investigating agency. Learned State counsel has further submitted that there was a strong possibility that in case petitioner was extended the concession of bail, he could yet again abscond and thus, delay the trial which uptil now has been proceeding at a good pace.

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

6. The petitioner has been in custody for eight months, having been arrested on 14.02.2023. As apprised by the learned State counsel, out of 17 prosecution witnesses, 4 stand examined and thus, the trial is not going to take much time to conclude. In the facts and circumstances as enumerated hereinabove, this Court thus does not deem it fit to extend the concession of bail to the petitioner. The petition as such is dismissed. 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

October 5, 2023

rps

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