

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-28414-2023 in/and
CRM-M-33424-2023
Date of decision: 19.07.2023

DeepakPetitioner
Versus
State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate,
Mr. Sourav Dogra, Advocate and
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

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Allowed as prayed for.

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1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.287 dated 05.12.2022 under Sections 302 and 34 of the IPC (Section 304 (Part II) of the IPC added and Section 302 of the IPC deleted lateron) registered at Police Station Rampura, District Rewari.

2. Learned senior counsel for the petitioner inter alia contends that a roadside accident has been converted into a case of murder without there being any cogent much less convincing evidence worth the name on record. It has been urged that the factum of the deceased having died in a roadside accident finds due corroboration from his post mortem report wherein it stands reflected that the injuries were found on his head and ribs and still further even the doctor had

opined that it was a roadside accident.

3. It has been further argued by learned senior counsel that there was no eye witness to the occurrence in question. During investigation, statement of one Mohan @ Reenu was recorded who stated that on the fateful day the petitioner along with co-accused Deepak and the deceased had come to his hotel for meals and consumed alcohol. Though there was some argument between the deceased and the co-accused, however, thereafter they had all left together on a motorcycle. Learned senior counsel has submitted that as per the disclosure statement suffered by co-accused Deepak who had since been extended the concession of bail vide order dated 04.07.2023 (Annexure P-10), a quarrel erupted between the deceased and the petitioner and when he tried to separate them, the deceased fell on the road and thereafter was run over by a passing vehicle. Learned senior counsel has asserted that except for the abovementioned statement recorded under Section 161 of the Cr.P.C. of Mohan @ Reenu and the disclosure statement of co-accused Deepak, there was no material on record from which it could be even remotely inferred that the petitioner had intentionally thrown the deceased on the road during a quarrel that allegedly ensued after the deceased along with co-accused had left the hotel of Mohan @ Reenu. It has, therefore, been prayed that in the above facts and circumstances, moreso, when the investigation is complete, charges stand framed and as many as 17 prosecution witnesses remain to be examined, further incarceration of the petitioner would serve no useful purpose.

4. Per contra, learned State counsel while opposing the prayer

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made by the counsel opposite on instructions, has not been able to dispute qua the contents of the disclosure statement allegedly made by co-accused Deepak wherein no role had been attributed to the petitioner other than that he and the deceased had been quarrelling with each other and when co-accused Deepak tried to separate them, the deceased fell on the road and was run over by a passing vehicle. It has, however, not been disputed that after the charges were framed none of the 17 prosecution witnesses have been examined so far.

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

6. The case in hand rests on circumstantial evidence. Investigation is complete and charges stand framed. The next date fixed before the Trial Court is 21.07.2023 when the prosecution evidence is likely to commence. This Court, thus, deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, 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.

19.07.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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