

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

CRM-M No.36128 of 2022
Date of decision: 24th January, 2023

Vinod

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rahul Gautam, Advocate for the petitioner.

Mr. Rahul Mohan, Dy. Advocate General, Haryana
for the respondent/State.

Mr. Pradeep Panwar, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner in the instant petition filed under Section 439 Cr.P.C. is seeking concession of regular bail in case bearing FIR No.708 dated 02.08.2018 under Sections 302, 201, 379-B, 34 IPC registered at Police Station Model Town, District Panipat.

Learned counsel for the petitioner inter alia submits that it is a case resting on circumstantial evidence and the petitioner was nominated as an accused on the basis of a disclosure statement of the co-accused, who allegedly were traveling with him when the crime in question was committed. Learned counsel submits that a totally false and fabricated case has been planted upon the petitioner and a false recovery of Parna and driving license of the deceased has been shown to have been effected from him. Learned counsel has submitted that the mobile phone and other belongings of the deceased were allegedly

destroyed by the accused including the petitioner after the crime in question. Hence, it could not be believed that though the mobile phone and other belongings were destroyed by the accused including the petitioner but the parna and the driving license retained by him. While drawing the attention of this Court to the FIR (Annexure P-1), he further submits that the disclosure statement on the basis of which the petitioner has been nominated as an accused, does not have much evidentiary value. Learned counsel has also submitted that the petitioner has now been in custody since 27.08.2018 and there is no likelihood of the trial concluding in the near future as 8 prosecution witnesses out of 20 cited remain to be examined.

Per contra, learned State counsel assisted by the learned counsel appearing on behalf of the complainant while opposing the prayer and submissions made by the counsel opposite, on instructions has submitted that the petitioner along with the co-accused hired the taxi of the deceased. On 28.07.2018, while they were returning from Haridwar to Panipat, all the accused after stopping the taxi, strangled the deceased and thereafter, threw his dead body into the canal, which was subsequently exhumed on 23.08.2018. Learned State counsel submits that it was only when the co-accused were arrested in another criminal case, the role of all the accused including the petitioner came to light and soon thereafter, he was arrested.

On a pointed query put to the learned State counsel as to whether the petitioner was involved in any other criminal case, he has replied in the negative. However, he submits that the co-accused are persons of criminal antecedents and are involved in a number of other

criminal cases. Learned State counsel, however, fairly conceded on instructions that other than the recovery of a parna and the driving license of the deceased, there was no other evidence collected by the investigating agency to connect the petitioner with the crime in question.

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

The case in hand rests on circumstantial evidence. The petitioner has been nominated as an accused pursuant to the disclosure statement made by the co-accused. 08 out of 20 prosecution witnesses stand examined. The petitioner unlike the co-accused is not involved in any other criminal case. The trial is unlikely to conclude in the near future. In the facts and circumstances as enumerated hereinabove, this Court 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 contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 24, 2023
rps

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