

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.41126 of 2023 (O&M)
Date of decision: 6th November, 2023

Ravinder @ Vicky

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Rajiv Sidhu, 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.538 dated 27.11.2020 under Sections 302, 394, 397, 34 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Old Sabzi Mandi, District Rohtak.

2. Learned counsel for the petitioner inter alia submits that while lodging the FIR in question, the complainant had not raised suspicion qua any other person, much less the petitioner. However, on 10.12.2020, i.e. after 13 days of the lodging of the FIR, a supplementary statement under Section 161 Cr.P.C. was recorded by the complainant wherein he raised a suspicion qua the involvement of co-accused Sumit and Sahil, and also stated that he suspected that the petitioner could also be involved in the crime in question. Learned counsel submits that it is a

case resting on circumstantial evidence, wherein the mother of the deceased was found murdered in her own house and her gold ornaments along with ₹ 4.00 lacs were found to be missing. Learned counsel has further drawn the attention of this Court to the deposition of PW-7 Rahul Jain complainant, wherein though he identified the co-accused Sahil and Sumit, however, he failed to identify the petitioner in the Court. Learned counsel for the petitioner submits that as a result of which the complainant was declared hostile qua the petitioner. Learned counsel, thus, submits that in the facts and circumstances, there was no manner of doubt that the petitioner was innocent and he had been falsely implicated in the case in hand.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to controvert that the complainant had failed to identify the petitioner during the course of trial, as a result of which he was declared hostile by the trial Court. However, he submits that a suspicion had been raised qua his involvement in the crime in question by the complainant, when he made his statement under Section 161 Cr.P.C. On further instructions, learned State counsel submits that the petitioner is not involved in any other criminal case, much less a case of similar nature.

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

5. The petitioner has now been in custody since 11.12.2020 and there is no likelihood of the trial concluding in the near future as 9 witnesses cited by the prosecution still remain to be examined. 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

November 6, 2023
rps

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