

sleeping alongwith the deceased-Gaurav Kumar made a supplementary statement to the Police that the petitioner had killed the aforesaid deceased-Gaurav Kumar and consequently, the petitioner was arrested. He also, on instructions from ASI Kewal Singh, has stated that the deceased was killed by the petitioner along with his father whose name is Bhucho Mandal, with one sword and hockey stick. His father, who is the co-accused in the present case, is a proclaimed offender till date and could not be apprehended. The sword, hockey stick and mobile phone of the deceased were recovered from the petitioner. There is a strong apprehension that in case, the petitioner is released on bail, then he may also abscond and flee from justice, especially in view of the fact that he belongs to the State of Bihar. He also submitted that since 11 prosecution witnesses out of 17 witnesses have already been examined and there is likelihood that the trial will conclude shortly, he opposed the prayer made by the learned counsel for the petitioner in the present petition for grant of regular bail.

4. I have heard learned counsel for both the parties.

5. This is a second petition filed by the petitioner for grant of regular bail. Although, the petitioner has undergone 4 years and 7 months, but as per learned State counsel 11 witnesses out of 17 have already been examined. The allegation against the petitioner is serious and grave in nature and as per the learned State Counsel, the father of the petitioner is co-accused in the present case and as per the allegations, both the petitioner and his father had caused death of the deceased-Gaurav Kumar and the father of the petitioner is absconding and has been declared proclaimed offender and could not be apprehended despite best efforts made by the police. The apprehension

expressed by the learned State Counsel pertaining to the present petitioner that, in case, the petitioner is released on bail, he may also abscond and flee from justice, cannot be ignored and carries weight.

6. In view of the aforesaid facts and circumstances of the case, this Court finds no merit in the present petition. Therefore, the present petition is hereby dismissed.

7. However, anything observed herein above shall not be treated as an expression of opinion on merits of the case & is only meant for the purpose of decision of present petition.

01.05.2023
neelam

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No