

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

CRM-M-44494 of 2022 (O&M)

Date of Decision: February 14, 2023

Karambir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ramnish Puri, Advocate for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

Mr. Gagandeep Sanwal, Advocate for
Mr. Neeraj Sheoran, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 439 of the Code of Criminal Procedure, petitioner has prayed for grant of regular bail in case FIR No.234 dated 27.08.2021 registered at Police Station Julana, District Jind, under Sections 302, 201/34 IPC during pendency of the appeal.

2. FIR was lodged on the statement of Jai Bhagwan, resident of Village Bakhta Kheda. As per allegations, his son Vikas (since deceased) had left home on 26.08.2021 at about 07:00 PM on his motor-cycle. At about 09:48 PM, complainant received call from Kashmir Singh, a relative that Vikas had consumed liquor and had left for his village and that on his reaching there, he (Kashmir Singh) be informed. Thereafter, complainant received call at 03.14 AM (night intervening 26/27.08.2021) from Karambir (petitioner), who is *Jeth* (brother-in-law) of his daughter asking as to whether Vikas had reached home. Complainant came out of his home and found his son Vikas lying in the naked condition with injury marks on his body. Vikas was shifted to the hospital but was declared brought dead.

Raising suspicion on unknown persons to have killed his son Vikas, prayer

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was made to take necessary action.

3. Further prosecution case is that on 28.08.2021, complainant made a supplementary statement alleging that his son had been murdered by his son-in-law Tejbir and his brother Karambir (petitioner) along with other persons, namely, Virender @ Bindra, Sandeep, Naresh, Dinesh @ Dina, Mukesh, Ram Bilas, Suresh and Kashmir. Tejbir i.e. Brother of petitioner and son-in-law of the complainant was arrested on 01.09.2021, who on interrogation suffered disclosure statement, confessing that he along with his brother Karambir (petitioner) had murdered Vikas and had thrown the dead body outside his house. He got recovered a wooden *binda* and motor-cycle used in the crime. Petitioner Karambir was arrested on 04.09.2021 and on the basis of disclosure statement suffered by him, an Ertiga Car used in the crime and a *binda* were recovered. Other persons named by complainant Jai Bhagwan in his supplementary statement were found to be innocent. After completion of investigation, challan was presented. Trial is now pending in the Court of learned Sessions Judge, Jind.

4. It is contended by the petitioner that no specific role is attributed to him; that the case is dependent upon circumstantial evidence; that complainant raised accusing fingers towards various other persons, namely, Sandeep, Bindra, Naresh etc., but all of them were found innocent, which shows falsity of the statement; that no legally admissible inculpatory evidence has been collected qua the petitioner; that there is no last seen evidence qua him; that petitioner is in custody for long time and so, in all these circumstances, he be allowed bail.

5. Learned counsel for the complainant strongly opposed the

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bail petition by submitting that petitioner along with his brother Tejbir committed the murder of Vikas as per the evidence collected during investigation. Learned counsel for the complainant also placed on record copy of a complaint which was made on 21.05.2022, as per which petitioner was putting pressure from Jail to compromise the matter.

6. After considering submissions of both the sides and having perused the record, it is found that no accusing fingers towards anybody were raised in the FIR. Although in the supplementary statement, petitioner and his brother were named to be the culprits but there is no evidence of last seen qua the petitioner. As pointed out by learned counsel for the petitioner that *binda* alleged to have been recovered at the instance of the petitioner was not containing any blood stain, as per FSL report. It is yet to be established that Ertiga Car recovered at the instance of the petitioner was even used in the crime. No motive is attributed to the petitioner. The alleged motive as has been disclosed by complainant Jai Bhagwan during his testimony in the trial is attracted to co-accused Tejbir to the effect that he had altercation with the deceased on 14.08.2021, when said Tejbir had come to drop his wife Nisha, i.e. sister of the deceased for her appendix operation and, thus, despite the case being dependent on circumstantial evidence, there is no motive qua the petitioner.

7. Custody certificate dated 09.02.2023 has been placed on record by the respondent- State revealing that petitioner is in custody for the last 01 year 05 months and 03 days with no criminal antecedents. Statement of complainant – Jai Bhagwan has already been recorded during trial.

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8. Having regard to all the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, this Court finds it to be a fit case, where benefit of bail should be granted to the petitioner as trial may take long time to conclude. As such, petition is allowed and petitioner is directed to be released on bail on his furnishing personal bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

February 14, 2023
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(DEEPAK GUPTA)
JUDGE

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