

227

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

CRM-M-44993-2023

Date of Decision: 21.11.2023

Jatin Jodon @ Jatin Jadaun

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Swarn Tiwana, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.48 dated 11.04.2022, under Sections 201, 302 & 34 of the IPC, registered at Police Station Bajghera, District Gurugram.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 1 year and 7 months and now 4 prosecution witnesses have already been examined and rather all the material witnesses have been examined. He further submitted that it is a case which is based upon circumstantial evidence and also purely upon suspicion. He submitted that even as per the prosecution story, the name of the petitioner was nominated on the basis of last seen theory that the petitioner and the deceased were last seen having drinks together. He further submitted that the petitioner has got clean antecedents and is not involved in any other case

and also submitted that the entire story is based upon circumstantial evidence and now the material witnesses have already been examined and the trial of the case may take long time, therefore, the petitioner may be considered for grant of bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, learned DAG, Haryana stated that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the entire case is based upon circumstantial evidence and now 4 witnesses have been examined. So far as the antecedents of the petitioner is concerned, he has not disputed the same. He has, however, submitted that the petitioner was seen along with the deceased and the same was captured in the CCTV camera and therefore, the petitioner does not deserve the concession of regular bail since the dead body of the deceased was found at a construction site of a company.

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

5. A perusal of the FIR and the submissions of the learned counsels for the parties would show that the present is a case which is based upon circumstantial evidence and last seen theory. The aforesaid circumstantial evidence and last seen theory can be seen only by adducing evidence at the time of trial and as per the learned counsels for the parties, 4 witnesses have already been examined. The petitioner has already faced incarceration for 1 year and 7 months and he is not involved in any other case and has clean antecedents. Apart from the same, it is not the case of State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness. Therefore, this Court is of the view that the

petitioner deserves the concession of regular bail.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

21.11.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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