

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M No.49487 of 2022 (O&M)
DATE OF DECISION: 24th NOVEMBER, 2023

Varikshit

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana with
SI Krishan Kumar.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.220 dated 14.04.2021 registered under Sections 302, 201 and 34 of IPC at Police Station Samalkha, District Panipat.

2. It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted and fabricated. The petitioner is not involved in the crime at all. Even as per the case of the prosecution, the matter involves only circumstantial evidence. Not only that, even the deceased is alleged to have taken liquor with the petitioner and his other co-accused and subsequently dies of drowning. Besides the alleged claimed last seen evidence, there is nothing to connect the petitioner even

to the alleged incident. The petitioner is in custody since 01.05.2021. There is no other case against the petitioner. The petitioner is not required for any other investigation purposes. Hence, the petitioner deserves to be released on bail pending trial.

3. On the other hand, learned State Counsel, being instructed by SI Krishan Kumar, has submitted that the petitioner is one of the person, who was last seen with the deceased immediately before this death. The dead body of the deceased was found in a canal. Later on, it came to light that the deceased was thrown in a canal by the petitioner and his other co-accused. However, it is not disputed by learned State counsel that there is no eye witness to assert that it was the petitioner who had thrown the deceased into the canal. It is also not disputed that there is no other case against the petitioner and that the petitioner is in custody since 01.05.2021.

4. In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

24th NOVEMBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No