

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM M-50576 of 2023
Date of Decision:16.11.2023

Rahul

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Dr. Naresh Kaushik, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.314 dated 13.09.2022 registered under Section 302 IPC (later on added offences under Sections 201 and 34 IPC) at Police Station Julana, District Jind.

2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and initial suspicion was raised against Amit. During the course of investigation, the supplementary statement of Manoj complainant was lodged on 27.09.2022, who alleged that Amit was initially named on the basis of the suspicion and after inquiry, he was sure that his brother Surender had been

murdered by the petitioner due to some previous enmity between the parties. Learned counsel further contends that the dead body was recovered from the house of Mani Ram, who is the grand-father of the present petitioner and he has been falsely involved, being the grand son of Mani Ram. Learned counsel further contends that during the course of investigation, a recovery of motorcycle and burnt clothes was planted on the petitioner, which did not connect him with the commission of the crime. After the presentation of the challan, the prosecution examined Manoj complainant as PW6 (Annexure P-2) and the said witness categorically denied that he had ever made any statement to the police. He further contends that the petitioner was arrested in the present case on 27.09.2022 and is in custody for the last more than 01 year and 02 months. He further contends that the material witnesses of the prosecution have already been examined and further custody of the petitioner will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

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

5. The involvement of the petitioner was initially found on the basis of the supplementary statement made by complainant Manoj after 15 days of the occurrence. However, while appearing as PW6, Manoj has completely denied to have made any such statement to the police. Still further, the material witnesses have been examined by the prosecution and there are no chances of tampering with the evidence by the petitioner.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

16.11.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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