

CRM-M-54427-2023

2023:PHHC:141195

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

251

CRM-M-54427-2023

Date of decision : 06.11.2023

Rahul**..... Petitioner**

versus

State of Haryana**..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Partap Singh, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.322 dated 16.07.2022, registered for the offences punishable under Sections 302 and 34 of IPC at Police Station Taroari, District Karnal.
2. Counsel for the petitioner submits that FIR came into being on the statement made by one Ganga Sharma, who discovered dead body lying in the verandah of Dharamshala. The basis for implicating the petitioner is one CCTV footage in which it has been alleged that the petitioner alongwith co-accused Roshan Lal can be seen entering the Dharamshala.
3. Counsel for the petitioner refers to the statement made by PW-1 and PW-2 to submit that the story put forth by the prosecution is not supported by the material witnesses. Apart from that merely for the reason that in the CCTV footage, the petitioner alongwith co-accused

CRM-M-54427-2023**2023:PHHC:141195**

can be seen entering Dharamshala cannot a ground to implicate the petitioner.

4. Counsel for the State is not in a position to dispute the aforesaid facts.

5. Having heard rival contentions made by counsel representing the parties and after going through the records of the case, this Court finds that it is a case of circumstantial evidence. Challan already stands presented and even the material witnesses stand examined.

6. Without commenting on the merits of the case, keeping in view of the incarceration suffered by the petitioner and the nature of evidence against him, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

06.11.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No