

CRM-46162-2023 in/and
CRA-S-3215-2023

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2023:PHHC:152649

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-46162-2023 in/and
CRA-S-3215-2023
Date of decision: 30.11.2023

Ravi

..... Applicant-Appellant

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Punit Malik, Advocate
for the applicant-appellant.

Ms. Trishanjali Sharma, DAG, Haryana

MANJARI NEHRU KAUL, J. (ORAL)

CRM-46162-2023

This is an application for condonation of delay of 56 days in filing the present appeal.

For the reasons mentioned in the application, the same is allowed and the delay of 56 days in filing the present appeal, is hereby condoned.

Application stands disposed of.

CRA-S-3215-2023

1. The appeal is against the impugned order dated 26.05.2023 passed by Ld. Additional Sessions Judge, Hisar, whereby the regular bail application of the appellant has been dismissed in case FIR No.410 dated 03.06.2022 under Sections 302 and 34 of the IPC and Section 3(2)(v) of the SC/ST Act registered at Police Station City Hansi, District Hansi.

2. Learned counsel *inter alia* contends that the deceased was found lying dead on 31.05.2022; when the father of the deceased got his statement recorded, he categorically stated that it appeared that his son had committed suicide by consuming some insecticide, so much so even when the inquest proceedings were conducted, the father of the complainant reiterated that his son had committed suicide.

3. However, strangely after five days of the occurrence, the father of the deceased lodged the FIR in question, wherein for the first time, he alleged that he had come to know (from some sources) that his son had been murdered by the applicant-appellant and co-accused Parveen. Learned counsel has submitted that since it is a case resting on circumstantial evidence, motive which plays a prominent role in such cases has not even been spelt out against the petitioner as to why he would have committed the murder of the deceased. Learned counsel has further submitted that assuming for the sake of arguments, though not conceded, that the deceased had been forcibly administered insecticide as was being now projected by the prosecution, the deceased was admittedly a well built man of 25 years of age, it could not be digested that he would not have put up any resistance, however, the absence of any injuries much less any bruises on his person clearly falsified the version brought forth by the prosecution in its final report presented under Section 172 Cr.P.C. Learned counsel further submits that the applicant-appellant has now been in custody since 07.06.2022 and all the five material witnesses including the complainant stand examined. Hence, further incarceration of the applicant-appellant would serve no useful purpose as 11 prosecution witnesses still remain to be examined.

the prayer and submissions made by counsel opposite, on instructions, has submitted that no doubt when the deceased was found lying dead, no suspicion had been raised qua the involvement of any person in the crime in question, however, subsequently on 03.06.2022 in his supplementary statement, the complainant had categorically alleged that his son had been murdered by the applicant-appellant and co-accused Parveen.

4. Learned State counsel has further submitted that the motive for the applicant to commit the murder in question was that he had seen his girlfriend in the company of the deceased and as such all the accused were nursing a grudge against him. Learned State counsel on further instructions, however, has not disputed that all the material witnesses including the complainant stand examined. On a pointed query put to the learned State counsel as to whether there was any witness of last seen, she, on instructions has replied in the negative.

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

5. The applicant-appellant has been in custody for almost one and a half years, having been arrested on 07.06.2022. All the material witnesses stand examined including the complainant, however, there is no likelihood of the trial concluding in the near future, as 11 more prosecution witnesses remain to be examined.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the appellant.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate

concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

30.11.2023
manoj

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No