

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-56979-2022

Date of decision: 07.11.2023

Rajender Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Davneet Sangwan, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG., Haryana.

Mr. Manish Verma, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (fourth) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.314 dated 17.11.2018 under Sections 302, 120-B, 34 of the IPC and 25 of the Arms Act registered at Police Station Chandimandir, District Panchkula.

2. As per the case of the prosecution, 04 persons i.e. Rajbala and her 03 grand children (hereinafter referred to as 'deceased') were found murdered with gun shot injuries. Allegedly, all the 04 deceased had been done to death by their family members in order to usurp their property.

3. Learned counsel for the petitioner has vehemently contended that neither was the petitioner named in the FIR in question annexed as Annexure P-1, nor was he remotely related to the family of

the deceased, much less had any motive to commit the crime in question. He submits that since it is a case resting on circumstantial evidence and no motive has been attributed to the petitioner to commit the crime in question, it leaves no manner of doubt that he is innocent and has been falsely implicated in the case in hand. It has still further been submitted that the only role attributed to the petitioner by the investigating agency was that he had allegedly introduced co-accused Ram Kumar with one accused Omkar who in turn had provided the weapon of offence to co-accused Ram Kumar for carrying out the crime in question. It has also been submitted that co-accused Omkar, who had provided the weapon of offence to the prime accused, had since been extended the concession of bail by this Court vide order dated 03.09.2021. Learned counsel submits that the petitioner has been in custody since 27.11.2018 and till date only 10 prosecution witnesses out of the 55 cited have been examined, which include all the material witnesses. Hence, there is no likelihood of the trial concluding in the near future coupled with the fact that there could be now no possibility of the petitioner trying to tamper with evidence or influence the witnesses, for which he deserves to be extended the concession of bail.

3. Per contra, learned State counsel assisted by learned counsel for the complainant, while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the submissions made by the counsel opposite with respect to the role attributed to the petitioner and also the stage of trial. It has also not been disputed that all the material witnesses stand examined.

4. On a pointed query put to the learned State counsel as to

whether the petitioner is involved in any other criminal case, he on instructions, has replied in the negative.

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

6. The petitioner has been in custody since 27.11.2018. All the material witnesses stand examined. The trial is unlikely to conclude in the near future as 45 prosecution witnesses still remain to be examined. Hence, in the facts and circumstances as enumerated hereinabove coupled with the role attributed to the petitioner, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds 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.

07.11.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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