

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6754-2024

Date of decision: 14.02.2024

Sandeep

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Ms. Trishanjali Sharma, Deputy Advocate General, Haryana.

Manjari Nehru Kaul, J.

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.291 dated 14.07.2020, under Sections 302, 201, 34 IPC (Sections 302 and 201 IPC added later on and Section 307 deleted), registered at Police Station, K.U.K., District Kurukshetra.

2. Learned counsel for the petitioner *inter alia* contends that it is a case resting on circumstantial evidence; the motive to commit the murder of Monu @ Rajesh was the alleged illicit relationship between the uncle of the petitioner and wife of the deceased. Learned counsel for the petitioner has stated that as per the case set up by the prosecution, the deceased was seen accompanying the petitioner and his uncle, co-accused Salinder Kumar alias Pritam on motorcycle on the fateful day by PW-1 Pargat Singh. However, it

even been recovered. Hence, in the circumstances, a big question mark still remains, as to whether the petitioner had even committed the alleged murder. It has also been submitted by learned counsel for the petitioner that even the motive to commit the alleged crime in question had not been attributed to the petitioner, but to co-accused Salinder and hence, there could have been no occasion for the petitioner to have connived or participated with the co-accused in the alleged crime. Learned counsel has still further submitted that the petitioner has been in custody for almost 03 years and 07 months having been arrested on 14.07.2020 and till date, the trial has not concluded and there is no likelihood of it concluding in the near future as 16 prosecution witnesses still remain to be examined. However, he submits that since both the material witnesses i.e. the complainant and the witness of last seen stand examined, his further incarceration would serve no useful purpose as there could be no likelihood of the petitioner intimidating/influencing the witnesses or tampering with the evidence.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute the status of the trial and also the factum of both the material witnesses having been examined by the trial Court. On a pointed query, learned State counsel has also not controverted that the dead body of the deceased had not been traced till date. She, however, submits that the motive to commit the crime had been attributed to co-accused, Salinder, who was none other than the uncle of the petitioner, and the witness of last seen namely Pargat Singh while stepping into the witness box, supported the case of the prosecution in its entirety that he had seen the deceased in the company of the petitioner and co-accused just before he went missing.

the next date fixed before the trial Court is 20.02.2024 when some of the remaining 16 prosecution witnesses are likely to be examined. On a pointed query put to the learned State counsel, as to whether the petitioner has any criminal antecedents, she on instructions, has replied in the negative.

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

5. The petitioner, as already observed earlier, has been in custody since 14.07.2020 in a case resting on circumstantial evidence. The trial is unlikely to conclude in the near future; all the material witnesses stand examined. Hence, in the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition, as such, is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

14.02.2024
Ajay Prasher

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