

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-7039-2024 (O&M)
Date of Decision:- 15.02.2024

Jacky Alias Jaiki ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ajay Ghangas, Advocate, for the petitioner.
Mr. Ramender Singh Chauhan, AAG, Haryana.

FIR NO.	DATE	POLICE STATION	OFFENCES
220	14.04.2021	Samalkha, District Panipat	302, 201, 34 IPC

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Mahabir Singh wherein he alleged that his son Vikas aged 20 years had left home on 10.4.2021 along with his 2-3 friends, but did not return back. On 11.4.2021 complainant's daughter Madhu received a missed call from mobile No.8396956733. When the complainant's daughter called back on the said number, then the said person informed complainant's

daughter that some boy had called her from his number. When complainant's daughter called on the mobile phone of Vikas, but was unable to connect. Later, the dead body of complainant's son was recovered from a canal which was found to be wearing several injuries.

3. It is further the case of prosecution that during the course of investigation, the police arrested one Varikshit who is alleged to have suffered a disclosure statement nominating the petitioner as co-accused.
4. Learned counsel submits that he is nowhere named in the FIR and that the case is totally based on circumstantial evidence wherein the petitioner came to be nominated on the basis of disclosure statement made by co-accused, which would hardly carry any evidentiary value. It has further been informed that the petitioner has been behind bars for a substantial period of 2 years, 9 months and 12 days and that the material PWs already stand examined though, several official PWs are yet to be examined.
5. Opposing the petition, learned State counsel submits that since the name of the petitioner specifically figures in the statement of the co-accused and the petitioner is also involved in 2 other cases, his complicity is clearly evident. Learned State counsel has informed that the petitioner as on date has been behind bars since the last 2 years, 9 months and 12 days and as on date 9 out of the cited 21 PWs have been examined.
6. This Court has considered the rival submissions.

7. Having regard to the fact that the case admittedly is based on circumstantial evidence and material PWs already stand examined and the petitioner has been behind bars for the last 2 years, 9 months and 12 days, further detention of the petitioner is not justified. Conclusion of trial is likely to consume time inasmuch as only 9 out of cited 21 PWs have been examined till date. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.02.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No