

CRM-M-7925-2024
Decided on: 14.03.2024

.... Petitioner

.... Respondent

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case, which rests on circumstantial evidence. Despite being in custody since 14.07.2020, the prosecution evidence has not concluded, with 9 witnesses yet to be examined. It has been submitted that as per the case of the prosecution, the deceased was thrown into a running canal by the petitioner and his co-accused, however, there was no eyewitness to this alleged occurrence. Furthermore, the petitioner did not even have any history of strained relations with the complainant party or the deceased, making it

improbable for him to have any motive to either harm or kill the deceased.

It has been, thus, urged that since all the material witnesses stand examined, further incarceration of the petitioner would serve no useful purpose and he be enlarged on bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from Ins. Dinesh Kumar, has asserted that it is a case resting on circumstantial evidence; a perusal of the FIR, which has been annexed as Annexure P-1, clearly reveals that the petitioner was explicitly named therein and the complainant, who is the father of the deceased, strongly suspected the involvement of the petitioner in the murder of his son. It has been still further submitted that PW-6 Pargat Singh, who is the witness of last seen, while stepping into the witness box categorically deposed that on the fateful day, he had seen the petitioner and the co-accused Sandeep Kumar taking the deceased on their motorcycle towards the canal. Later soon thereafter, PW-6 Pargat Singh saw only the accused and Sandeep Kumar returning on the motorcycle without the deceased; subsequently, the dead body of the deceased was recovered from the canal. It has been submitted that not only PW-6 Pargat Singh had supported the case of the prosecution but even the complainant had supported the case of the prosecution. Learned State counsel has strongly opposed the submissions made by the counsel for the petitioner qua there being no history of strained relations between the accused and the complainant by asserting that in

the FIR itself the complainant had categorically stated that the accused was nursing a grudge against his deceased son and had also threatened him that as and when he got a chance, he would not spare him. Learned State counsel, on further instructions, has informed the Court that since all material witnesses stand examined, only formal witnesses remain to be examined and hence, the trial would not take much time to conclude.

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

5. No doubt, it is a case resting on circumstantial evidence, however, a perusal of the allegations levelled in the FIR clearly reveal that the complainant at the very first instance had suspected the involvement of the accused and named him in the murder of his son. PW-6 Pargat Singh, one of the most crucial witnesses, categorically deposed having seen the deceased in the company of both the accused including the petitioner going towards the canal on a motorcycle ridden by the accused and soon thereafter, both the accused including the petitioner were seen by PW-6 Pargat Singh riding back but without the deceased with them. The dead body of the deceased was then recovered from the canal. All these circumstances, when seen in their entirety, *prima facie*, hint towards the involvement of the petitioner in the murder in question. Undoubtedly, the petitioner has been in custody for almost 3 and 1/2 years having been arrested on 14.07.2020, however, as per instructions received by the learned

State counsel, the trial would not take much time to conclude now as all the material witnesses stand examined and only formal witnesses remain to depose before the trial Court.

6. In the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the concession of regular bail to the petitioner. Accordingly, the instant petition stands dismissed. 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.

7. However, keeping in view the long incarceration of the petitioner, the trial Court is directed to expedite the trial and conclude it at the earliest, preferably within a period of four months.

14.03.2024
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(MANJARI NEHRU KAUL)
JUDGE

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