

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.14619 of 2024

Date of decision: 2nd April, 2024

Sandeep @ Bona

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ram K. Saini, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.303 dated 13.06.2021 under Sections 346 of the IPC (Sections 302, 120-B, 201, 34 IPC added later on) registered at Police Station Narnaund, District Hisar.

2. Learned counsel for the petitioner inter alia contends that the case in hand rests on circumstantial evidence and no direct motive has been attributed qua the petitioner in the crime in question. Learned counsel, while drawing the attention of this Court to the FIR in question which has been annexed as Annexure P-1, has further submitted that it was lodged at the instance of the wife of the deceased, wherein she categorically stated that her husband had gone missing on 12.06.2021 and had probably been hidden by some unknown person; no suspicion had been raised qua the involvement of the petitioner in

the disappearance of the deceased. Learned counsel submits that the petitioner came to be nominated as an accused on the basis of a CCTV footage wherein the petitioner was allegedly seen in the company of the deceased. Learned counsel submits that thereafter, a false recovery of a stone was planted upon the petitioner as being the weapon of offence with which the deceased had been struck on his head by the petitioner, before being thrown into a canal. He submits that in a case resting on circumstantial evidence, motive to commit the crime is of paramount importance, however, in the case at hand, as already submitted earlier, there was no motive for the petitioner to have committed the murder of the deceased or even having connived with the co-accused. It has been further submitted that while stepping into the witness box, the wife of the deceased i.e. the complainant had made material and significant improvements which without doubt create a serious dent in the case of the prosecution and furthermore, left no manner of doubt that a totally false and fabricated version had been brought forth against the petitioner. Learned counsel has submitted that in the facts and circumstances, more so since the wife of the deceased, who is also the lodger of the FIR in question, has already been examined, his further incarceration would serve no useful purpose as 24 prosecution witnesses out of the total 31 cited still remain to be examined. Learned counsel has also submitted that the petitioner has clean antecedents and is not involved in any other criminal case.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Jasbir Singh, has not been able to dispute that the case in hand

rests on circumstantial evidence; it has also not been disputed that the wife of the deceased, while lodging the FIR in question, had not levelled any allegation much less by way of a whisper against the petitioner, even though while stepping into the witness box as PW-1 she had deposed that on the day of occurrence just before she lodged the FIR in question, she had received a call from her deceased husband crying for help and also telling her on the phone that the petitioner and the co-accused were quarreling with him. Learned State counsel has further submitted that after a missing report was lodged by the complainant, the police swung into action and it was on the basis of CCTV footage, the petitioner was apprehended as he was last seen in the company of the deceased. It is still further submitted by the learned State counsel, on instructions, that on being arrested on 14.06.2021, the petitioner as well as the co-accused themselves confessed before the police that they had murdered the deceased after hitting him with a stone and thereafter, had thrown his dead body into the canal. It has also been submitted that the weapon of offence i.e. the stone had been recovered from the banks of the canal pursuant to the disclosure statement made by the petitioner and his co-accused. Learned State counsel has however not disputed that all the material witnesses in the case in hand stand examined and the next date of hearing fixed before the trial Court is 10.04.2024 when some more prosecution witnesses are likely to be examined. Qua there being no motive to commit the crime, learned State counsel has disputed the contentions of the learned counsel for the petitioner and submitted that the petitioner had connived with the co-accused Arun as the latter was nursing a grudge

against the deceased, who had facilitated the elopement of his sister with some boy. It has, however, not been disputed that the petitioner has clean antecedents and is not involved in any other criminal case.

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

5. The petitioner has now been in custody since 14.06.2021. In the facts and circumstances as enumerated hereinabove, more so, since all the material witnesses stand examined, further incarceration of the petitioner who has been in custody since 14.06.2021, who has clean antecedents, would serve no useful purpose as the trial would take considerable time to conclude. 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

April 2, 2024
rps

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