

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

(I)

CRM-M-29974-2023 (O&M)
Date of Decision:- 24.1.2024

Rose

... Petitioner

Versus

State of Punjab

... Respondent

(II)

CRM-M-5730-2023 (O&M)

Deepak Goyal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vijay Lath, Advocate, for the petitioner
in CRM-M-29974-2023.

Ms. Manpreet Ghuman, Advocate, for the petitioner
in CRM-M-5730-2023.

Mr. Sanish Girdhar, AAG, Punjab,
assisted by ASI Rajesh.

FIR NO.	DATE	POLICE STATION	OFFENCES
0409	15.7.2021	Zirakpur, District SAS Nagar (Mohali)	302, 34 IPC

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Rose and Deepak Goyal, seek grant of regular bail in respect of aforementioned FIR.

2. The FIR in question was lodged at the instance of Honey Mehra wife of deceased Raghav Narang wherein it is alleged that on 11.6.2021 her husband had left in his car at about 2 pm while stating that he is proceeding to Rajpura for getting his car repaired. It is alleged that the complainant had a telephonic conversation with her husband at about 5.15 pm and her husband informed that his brother was also accompanying him. However the complainant's husband did not return back till night and when the complainant tried to contact him telephonically, his phone was found to be switched off. On 12.6.2021, the complainant came to know that her husband Raghav Narang was found dead in his car at village Shatabgarh. The complainant alleges that later she came to know that Deepak Goyal, Rose and Rakhi Mehra were accompanying her husband at Zirakpur and had murdered him by giving beatings.
3. Learned counsel for the petitioner submits that while the death had allegedly taken place on 11.6.2021, the FIR in question came to be lodged on 15.7.2021. It has further been submitted that there is no eye-witness to the alleged occurrence and the prosecution mainly banks upon the "last seen" evidence in the shape of statement of one Dalbir Singh a Dhaba owner who had seen the accused in the company of the deceased on 11.6.2021 and also Dheeraj Kumar owner of a hotel who had also seen the accused in the company of Deepak Goyal, Rose and Rakhi Mehra. The prosecution also claims that both the petitioners in their disclosure statements had admitted that they had killed the deceased. It has been submitted that both the petitioners have been behind bars for a substantial period of about 2½

years and that as on date only one PW has been partially examined out of the cited 20 PWs.

4. Opposing the petition, learned State counsel has submitted that since both the petitioners have confessed their guilt by making disclosure statements and their presence is also established from statements the statements of Dalbir Singh and Dheeraj Kumar also from the call detail record in respect of mobile phone of the deceased and the accused, it is evident that all of them were together on the fateful night. Learned counsel has further informed that both the accused have been behind bars since the last about 2½ years and that the accused Deepak is also involved in one more case registered under the NDPS Act apart from a case registered under the Prison Act. Learned State counsel has informed that as on date only one out of the cited 20 PWs has been examined.
5. This Court has considered the rival submissions.
6. It is not in dispute that there is no eye-witness to the alleged killing of the complainant's husband and the case mainly hinges on circumstantial evidence. Both the petitioners have been behind bars for a substantial period of about 2 ½ years. Conclusion of trial is likely to consume time inasmuch only one PW out of the cited 20 PWs has been examined till date. Under these circumstances, further detention of the petitioners are not justified. The petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. A photocopy of this order be placed on the file of each connected case.

24.01.2024
mohan

(GURVINDER SINGH GILL)
JUDGE

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