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CRM-M-34547-2024
Date of decision : 22.08.2024

....Petitioner

...Respondent

Ms. Manju Singh, Advocate
for the complainant.

2. Status report by way of affidavit of Mohinder Singh, HPS, Deputy Superintendent of Police, Palwal, District Palwal has been filed on



behalf of the respondent/State today in Court, which is taken on record.

Copy supplied.

3. FIR was registered under Section 346 IPC on the complaint made by Anil son of Hargyan w.r.t. missing of his brother namely Praveen. It is claimed that on 25th of November, 2020 intimation was received w.r.t. a dead body having been detected inside a well in village Kakrali, Palwal. The same was identified to be of Praveen, the person who was stated to be missing as per the application. It has further claimed that on 26th of November, 2020 supplementary statement of the complainant was recorded wherein he named Amit, Karambir, Munesh (present petitioner) as well as Umesh and Subhash as perpetrators of the crime. As per further case of the prosecution Umesh, Karambir and Anil suffered disclosure statements during interrogation admitting their crime and as per their disclosure it was Umesh Chand who fired in the head of the deceased from behind. Present petitioner who was arrested on 7th of December, 2020 is also stated to have suffered a disclosure admitting his involvement in the commission of crime and it is further claimed that on his demarcation motorcycle bearing No.HR-51-AS-6331 which was used in the commission of the crime and an empty cartridge were recovered.

4. On being asked, State Counsel submits that the empty cartridge was recovered from the place of occurrence behind the *pyau*. He is not in a



position to dispute that the same is a public place and it is a matter of debate as to whether knowledge of the same can be specifically attributed to the petitioner only.

5. Counsel appearing for the complainant has opposed the bail plea submitting that it is a heinous crime wherein a valuable life has been lost. There is direct evidence linking the petitioner in the form of recoveries made from him. However, she does not dispute that the recovery has been made from a public place.

6. Custody certificate of the petitioner has been produced, which is taken on record. As per the same, the petitioner is behind bars for more than 3 years, 8 months and 11 days and has no criminal antecedents. Charges were framed on 13th of October, 2021 and by now only 1 out of 25 cited witness could be examined.

7. I have heard counsel for the parties and have gone through records of the case.

8. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.



9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 22, 2024
Dpr

(Pankaj Jain)
Judge

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