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

(I) **CRM-M-35054-2024 (O&M)**
Date of Decision:- 28.11.2024

Arjun Singh … Petitioner

Versus

State of Haryana ... Respondent

(II) **CRM-M-58565-2024(O&M)**

Santosh Singh … Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Prashant Singh Chauhan, Advocate,
for the petitioner in CRM-M-35054-2024.

Mr. Gopal Sharma, Advocate,
for the petitioner in CRM-M-58565-2024.

Mr. Vishal Kashyap, DAG, Haryana.

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FIR NO.	DATE	POLICE STATION	OFFENCES
30	14.02.2023	Sector 6 Dharuhera, District Rewari	302, 34 IPC (Sections 279, 336, 427, 392 and 397 IPC added later on)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Arjun Singh and Santosh Singh seek grant of regular bail in respect of aforementioned FIR.

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2. The FIR in question was lodged at the instance of Hemender (brother of deceased Ratan Pal) wherein he stated that his brother Ratan Pal who was employed as a driver on a canter and that on 13.02.2023 at about 4:00 PM his brother Ratan Pal spoke to him from his mobile phone and told him that he had reached near Bijender Petrol Pump near Haryana Border and that after getting his truck refueled, he will start from the said place. He further stated that around 12:00 AM Dev Ji (owner of the canter) called him on phone and told the complainant that he (Dev Ji) had received a telephone call from Dharuhera Police Station to the effect that the canter in question was parked near Hero company Dharuhera and in which dead body of Ratan Pal was lying. Upon receipt of said information the complainant along with his nephews and some other persons went to the spot where the truck in question bearing registration No.GJ-12-BX-9215 was seen parked at Hero Chowk. One more truck was seen parked nearby. However, the dead body of Ratan Pal had already been taken to Government Hospital Rewari. The complainant alleged that his brother Ratan Pal had been strangulated and had been killed by someone.

3. It is further the case of prosecution that a bag containing some clothes was found in the truck bearing registration No. GJ-12-BX-9215 and in which copy of Aadhar card of Santosh was also found. The police was able to arrest Santosh on the basis of the said lead and

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upon his arrest he confessed that he along with Ritesh and Arjun had killed the deceased.

4. Learned counsel for the petitioners submitted that it is a case of blind murder which is based totally on circumstantial evidence and that apart from the alleged recovery of photocopy of the Aadhar card of Santosh and also some photocopies of certain bills pertaining to the chemicals which were being transported in the truck in question which are alleged to have been recovered from Arjun Singh, there is no other connecting evidence to establish the allegations against the petitoners. It has been alleged that both the petitioners enjoys a clean record and have been behind bars since the last 1 year and 9 months.

5. Opposing the petitions, learned State counsel submitted that since the petitioners have virtually confessed their guilt upon being arrested and that a photocopy of Aadhar Card of co-accused Santosh was found from the truck of the deceased and that Santosh had further nominated the accused, their complicity is clearly evident. Learned State counsel has informed that the petitioners have been behind bars since the last more than 1 year and 9 months and that as on date 2 out of cited 25 PWs have been examined while one PW has been given up. It has also been informed that the petitioners otherwise have a clean record and are not involved in any other case.

6. This Court has considered rival submissions addressed before this Court.

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7. Admittedly it is a case based on circumstantial evidence. Though the prosecution banks heavily on the alleged recovery of Aadhar card of co-accused Santosh from the truck in question where dead body was found and also on the disclousre statement of said Santosh and also on the factum of the alleged recovery of bills of the chemical in question which were being transported, from Arjun, but the evidentiary value of such like documents would be debatable. In any case, the petitioners enjoy a clean record and have been behind bars for a fairly long period i.e. 1 year 9 months. Conclusion of trial is likely to consume time inasmuch as only 2 out of cited 25 PWs have been examined till date. Under these circumstances further detention of petitioner would not be justified. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. A photocopy of this order be placed on the file of each connected cases.

28.11.2024 **(GURVINDER SINGH GILL)**
mohan **JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No

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