

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 39086 of 2023 (O&M)
Date of Decision: 26.02.2024

Ritik

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Satpal Bhasin, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana
assisted by ASI Yudhvir.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No. 274 dated 10.05.2021, under Sections 201, 202 & 302/34 of IPC, registered at Police Station Kundli, Sonipat, wherein he has been implicated against the alleged murder of one Amit, who happened to be younger brother of the complainant-Rahul.

[2] Learned counsel for the petitioner submits that the petitioner is behind the bars since 15.05.2021 and the conclusion of trial will take long time, thus, prayer is for grant of regular bail to the petitioner.

[3] Learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner by referring to the number of

injuries inflicted upon the person of deceased-Amit, besides the complainant-Rahul even implicating the petitioner in the incident while appearing as PW-6.

[4] I have heard learned counsel for the parties and gone through the paper-book.

[5] The present is a case of circumstantial evidence wherein the petitioner is in custody since 15.05.2021 i.e. for the past almost two years and ten months and he is not involved in any other case. Moreover, the investigation already stands concluded with the filing of challan followed by framing of charges; however, out of 20, only 05 prosecution witnesses have been examined so far; thus, the conclusion of trial may take long time. Even as per statement of PW-6/complainant (Rahul), there is no last seen evidence relating the petitioner with the deceased; the involvement of the petitioner is primarily based on hearsay version, which shall be appreciated at the time of trial. The relevant extract from the examination-in-chief of the aforesaid Rahul (PW-6) is re-produced hereunder:-

“We noticed that our co-villagers Ashok @ Bhura was roaming in the streets on his motorcycle R-15 and at that time my brother Amit was also pillion rider on the same motorcycle accused Ashok. My brother Amit did not come at home till whole night and he did not come back in the next day also.

On 11.5.2021 at about 3:00 PM, we came to know that the dead body of young persons was found in the village Pritampura, near KMP. Our family members went in the

police station, Kundli and then police send our family members to the Civil Hospital. My uncle Sunder had reached in the hospital and identified the dead body of Amit which was recovered from the fields of village Pritampura. On the next date i.e. 12.5.2022, we received the dead body from the hospital after completion of postmortem examination. On 13.5.2021, we inquired the matter here and there at our own level and came to know that Ashok @ Bhra, Ritik and Lal Bahadur had taken my brother in factory No. 2000 C phase-II, HSIIDC, Rai and they committed the murder of my brother after serving him liquor.”

Considering the aforesaid facts, especially as per prosecution, no apprehension of any kind of threat to the prosecution witnesses have been expressed, I do not find any justification to extend the incarceration of the petitioner.

[6] In view of the above, but without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is **allowed** and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the Trial Court / Illaqa Magistrate / Duty Magistrate concerned.

[7] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

February 26, 2024

(HARKESH MANUJA)
JUDGE

'dk kamra'

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No