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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45359-2024 (O&M)
Date of decision : 18.09.2024

Deepak

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rajesh Duhan, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana

RAJESH BHARDWAJ, J. (Oral)

CRM-36855-2024

Allowed as prayed for.

Main case

1. Present petition has been filed by the petitioner under Section 483 B.N.S.S. (439 of Cr.P.C.) praying for grant of regular bail in case FIR No.44 dated 15.04.2019, under Sections 302, 201, 34 and 120-B of IPC, registered at Police Station Rohadai, District Rewari, Haryana.
2. Succinctly, the facts of the case are that the FIR was lodged on the statement of the complainant, Krishan Kumar, wherein he deposed that on 15.04.2019 when he went to the fields, he found dead body of one unknown young boy, which was hanged with a leather belt and was having some deep injuries on his head probably due to the injury caused with the glass bottle. It was prayed that this unknown body be got identified and legal action be taken against the accused involved. The



police registered the FIR and the investigation commenced. During the investigation, the petitioner was arrested on 19.04.2019. The petitioner approached the Court of Learned Additional Sessions Judge, Rewari praying for grant of bail, however, the same was declined after hearing both the side by the Ld. Additional Sessions Judge vide order dated 17.08.2020. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in this case. It is vehemently submitted that as per the case of the prosecution, it is a case of blind murder as the FIR has been lodged against the unknown persons. He submits that even the deceased was not known to the complainant. He submits that on the basis of some call details collected by the investigating agencies, the complicity of the petitioner was said to have been established and thus, he was arrayed as an accused in the present FIR. He submits that admittedly the case of the prosecution is based on the circumstantial evidences and as per the evidences collected the chain of circumstantial evidence is not even complete. He submits that *de hors* the merits of the case the case, petitioner is behind bars from last more than 05 years and till date the trial is not concluded. He submits that co-accused, namely, Gopal has already been enlarged on bail by this Court vide order dated 03.09.2024 passed in CRM-M-26056-2024. He submits that case of the petitioner is on better footing than that of co-accused, who is already on bail. He further submits that the right of speedy trial of the petitioner is miserably defeated in the present case as he is behind bars from last more than 05 years. He submits that in the overall facts and circumstances of the present case, the petitioner deserves to be granted



regular bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that during investigation the complicity of the petitioner has been duly established and the prosecution has collected the evidences where the petitioner along with co-accused has committed murder of Gaurav (Deceased). It is submitted that out of total 28 prosecution witnesses, 19 prosecution witnesses have been examined. He submits that as per the custody certificate, the petitioner has no criminal antecedents as he is not involved in any other case.

5. Heard. On hearing counsel for the parties and perusing the record, it is evident from the record that the case of the present case is based on the circumstantial evidences. The dead body of the deceased-Gaurav was lying in the fields and thereafter the investigation commenced. The petitioner has been arrayed as an accused on the basis of the call details collected by the investigation agencies. The co-accused, namely, Gopal, has already been enlarged on bail by this Court. Learned State counsel could not differentiate the case of the petitioner from that of the co-accused, namely, Gopal. Needless to say, the custody of the petitioner is about 5 ½ years and till date only 19 prosecution witnesses have been examined out of total 28 prosecution witnesses. It is an established position of the law that this Court *de hors* the merits of the case, every accused has a right of speedy trial.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and



circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

18.09.2024
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(RAJESH BHARDWAJ)
JUDGE

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