

**232 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-2035-2025

Date of Decision: 21.01.2025

Ashish @ Ashu

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Namit Khurana, Advocate for the petitioner.

Mr. Vijesh Sharma, Addl. AG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting her regular bail in case FIR No.575 dated 26.11.2023 under Section 302 IPC registered at Police Station Sadar Yamuna Nagar.

2. Succinctly, facts of the case are that the FIR was registered on the statement of the complainant, namely, Akshay Sharma. It was alleged that a dead body was found when he was going to his fields and the same was reported to the police. The police after coming to the place of occurrence found a dead body lying there. The body was wrapped in a cloth and a liquor bottle, two disposable glasses and one broken glass beer bottle were lying there. On the registration of the FIR, the investigation commenced. During the investigation, the complicity of the petitioner was found and thus, he was arrayed as an accused. The petitioner approached the Court of learned Sessions Judge, Yamuna Nagar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 17.12.2024. Hence, the petitioner approached this Court praying for grant of bail.

3. It has been vehemently contended by counsel for the petitioner

that petitioner has been falsely and frivolously implicated in this case only on the basis of suspicion. He submits that the case of the prosecution is totally based on the circumstantial evidence, however, no cogent evidence proving the complicity of the petitioner could be produced by the prosecution. It is submitted that on the basis of the some call record and the disclosure statement of the petitioner himself, the petitioner has been named as an accused and he is behind bar since the date of his arrest. He submits that majority of the witnesses had already been examined by the prosecution and the petitioner has no criminal antecedents as he is not involved in any other case. He submits that as the petitioner committed no overt act and he has no criminal antecedents, he deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that during the investigation, call records of the petitioner and that of the deceased were collected and the complicity of the petitioner was found. He further submits that mobile of the deceased was also recovered from the petitioner. He has placed on record the custody certificate of the petitioner. On instructions from ASI Pawan Kumar, he has submitted that out of total 22 prosecution witnesses, 14 witnesses have been examined and 03 witnesses have been given up. He, thus, submits that no case for grant of bail to the petitioner is made out.

5. After hearing counsel for the parties and perusing the record, it is deciphered that case of the prosecution is based on the circumstantial evidence. Evidence against the petitioner as submitted before this Court is primarily disclosure statement of the petitioner and recovery of mobile phone of the deceased from him. The custody certificate would show that the

petitioner has no criminal antecedents. All the material witnesses already stand examined.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

21.01.2025		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No