

2025:PHHC:060551



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

**CRM-M-11511-2025
Date of Decision: 07.05.2025**

Umesh Chand

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Deepender Singh, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Ms. Manju Singh, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.607 dated 17.11.2020 under Section 346 IPC (later on Sections 302/120-B/34/201 of IPC, 1860 and Section 25 of the Arms Act, 1959 were added) registered at Police Station City Palwal, District Palwal (Annexure P-1).

2. Succinctly, facts of the case are that the FIR has been lodged on the basis of the statement of complainant Anil, who has alleged that on 15.11.2020 at about 10:00 pm his brother Parveen went missing and his descriptions were given. It was alleged that they tried their best to trace him out but failed, even his mobile phone also found to be switched off. The request was made to trace him. On registration of the FIR, investigation commenced. During investigation, the supplementary statement of the

complainant was recorded on 26.11.2020 (Annexure P-3) as body of the deceased was recovered on 25.11.2020 and in the said supplementary statement complainant named 05 accused persons including the petitioner Umesh Chand. However, out of them four persons described in the supplementary statement were arrayed as accused. The petitioner was arrested on 27.11.2020. On completion of investigation, challan was presented under Section 173 Cr.PC and after framing of charges, the learned trial Court proceeded with the trial. The petitioner approached the Court of learned Additional Sessions Judge, Palwal 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 12.09.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that as per case of the prosecution the deceased Parveen went missing on 15.11.2020. However, his dead body was recovered on 25.11.2020. He further submits that though on 26.11.2020, the investigating agency recorded the supplementary statement of the complainant wherein he recorded his statement by saying that from his own sources, he came to know that the petitioner along with co-accused has murdered his brother and thereafter, thrown his dead body in the well. It is further submitted that after recovery of the dead body such statement by the complainant is totally unbelievable as the prosecution has no evidence to substantiate the source of information received by the complainant. He further submits that the recovery of country-made pistol has been planted upon the petitioner to connect him

with murder of the deceased. He further submits that the case of the prosecution is totally based on the circumstantial evidence. However, except the disclosure statement of the petitioner and the recovery of the country-made pistol, the prosecution has no evidence to prove the complicity of the petitioner with the alleged murder. He further submits that the petitioner is behind the bars since the date of his arrest i.e. 27.11.2020 and has suffered incarceration of 04 years, 05 months & 10 days as on 06.05.2025 but the prosecution has not been able to conclude the trial. He further submits that speedy trial is the fundamental right of every accused which has been miserably defeated in the present case. He further submits that after registration of the present FIR, a false FIR No.05 dated 08.01.2025 under Sections 25(1B)(a)/54/59 of the Arms Act, 1959, registered at Police Station City Palwal, District Palwal has been registered against the petitioner. He further submits that the petitioner has never been involved in any case of the similar nature also. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. Ms. Manju Singh, Advocate puts in appearance on behalf of the complainant and has filed Power of Attorney, which is taken on record. She has opposed the submissions made by the counsel for the petitioner. She submits that the petitioner along with other co-accused in a well hatched conspiracy has committed murder of brother of the complainant. She further submits that the petitioner is the main accused, who has fired upon the deceased as is established during the investigation. She further submits that keeping in view the gravity of the offence the petitioner does not deserve concession of the bail.

5. Learned State counsel has opposed the submissions made by

counsel for the petitioner. He submits that during the investigation it has been found that there are four accused persons out of which one accused is on bail. He further submits that the weapon of offence has been recovered from the house of the petitioner on his disclosure statement. He, thus, submits that the petitioner is the main accused and further, on instructions, he submits that out of total 22 prosecution witnesses, only 03 have been examined so far. He has placed on record the custody certificate of the petitioner.

6. Heard.

7. After hearing counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is based on the supplementary statement. The deceased went missing from home, however, after 10 days his dead body was recovered on 25.11.2020. The petitioner has been named as accused in the FIR on the basis of the supplementary statement of the complainant recorded on 26.11.2020. Thereafter, the petitioner was arrested on 27.11.2020 and his disclosure statement recorded on the basis of which the alleged recovery country-made pistol has been effected. Besides this, it is submitted before this Court that there are no other evidence collected by the prosecution. On perusal of the custody certificate it is revealed that the petitioner has suffered incarceration of 04 years, 05 months & 10 days as on 06.05.2025. He is involved in one more case i.e. FIR No.05 dated 08.01.2025 under Sections 25(1B)(a)/54/59 of the Arms Act, 1959, registered at Police Station City Palwal, District Palwal. There is no gainsaying that speedy trial is the fundamental right of every accused, however, as submitted that only 3 prosecution witnesses out of total 22, have been examined in four and half years by the prosecution.

8. The veracity of the allegations and counter 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.

9. 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.

10. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

07.05.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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