

239

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-15908-2024 (O&M)
Date of Decision:- 06.03.2025

SACHIN BHURARIA

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Arnav Ghai, Advocate for the petitioner.
Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
387	05.12.2023	302, 201, 34 IPC	Khol, District Rewari

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is in custody since 13.12.2023 and after the completion of investigation, challan has been presented in Court. He contends that the petitioner is not named in the FIR and the petitioner was arrested without any basis in the case and the case rests upon circumstantial evidence. He further contends that even during the course of investigation, the material witnesses have been examined including PW4-Kirit Kumar and



PW5-Manjula Ben, parents of the deceased, who have not lent any support to the case of prosecution. Moreover, there has not been any post-mortem report in the case. He further contends that out of 34 witnesses cited by the prosecution only 6 have been examined till date and the conclusion of trial will take sufficient long time. He further submits that the petitioner is not having any criminal antecedents as such prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by the State has assailed these arguments by submitting that the petitioner has been instrumental in disposing of the dead body of the deceased, as such he is not entitled to the concession of bail. He has, however, not disputed the fact that the material witnesses, as stated above, have not lent any support to the case of prosecution, which is based on circumstantial evidence.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it is observed that the instant case was registered on the complaint moved by Mam Chand, Sarpanch, examined as PW6 i.e. on 05.12.2023 at about 07:00 AM, he received an information regarding a burnt dead body lying on the kutchra passage of village Nimoth and on the basis thereof, the matter was reported to the Police and case was registered. During the course of investigation, petitioner was arrested on 13.12.2023 and after the completion of investigation, challan was presented in the Court, wherein the prosecution has cited 34 witnesses and till date only 6 have been examined. It would be



apt to mention here that the material witnesses in the case happen to be PW6- Mam Chand, Sarpanch, as the complainant of the case and in his statement he has only testified regarding the recovery of the dead body and intimation being given by him to the Police. He has nowhere mentioned any role of the petitioner. Similarly PW4-Kirit Kumar and PW5-Manjula Ben, parents of the deceased, have also not supported the case of the prosecution and have categorically stated having no knowledge of the facts of the case and that the police had taken their signatures on the blank papers. They even denied having intimated the police regarding someone having murdered their son. PW4-Kirit Kumar in his cross-examination admitted that the deceased was chronic alcoholic, suffering from liver disease and his son having died a natural death cannot be ruled out. Similar was the testimony of PW5-Manjula Ben, mother of the deceased. Admittedly, no role is seen qua the petitioner in the CCTV footage, having committed the murder of the deceased. As stated above, only 6 witnesses have been examined out of 34 witnesses cited by the prosecution. The petitioner is not having any criminal antecedents. The case being resting upon circumstantial evidence and the material witnesses of the prosecution having been turned hostile, no purpose would be served by detaining the petitioner any longer. Moreover, the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of



learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

06.03.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No