

**213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-32452-2024 (O&M)****Date of decision : 16.01.2025****Satyawan****.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate
for the petitioner.

Mr. Vijesh Sharma, Addl. AG, Haryana.

Mr. S.P. Chahar, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.62 dated 07.03.2022, under Sections 201, 202, 302, 341 and 34 of IPC, registered at Police Station Kosli, District Rewari.

2. As per the facts of the case, FIR in the present case was registered on the statement of Parmesh Kumar son of Bhim Singh. It was alleged that on 06.03.2022, his son Manjit went to the fields from the house after having dinner. At about 01:30 AM, in the intervening night of 6/7.03.2022, he received an information from the police that his son was found dead at Kosli Bypass. It was suspected that his son was murdered by Satyawan son of Bijendra (petitioner). Request was made to take legal action against the culprits. On registration of the FIR, investigation commenced. During investigation, petitioner was arrayed as an accused and he was arrested on 03.06.2022. He approached the Court of learned Additional District and Sessions Judge, Rewari praying for grant of bail. However, after hearing counsel for both the sides, finding no merit, the same was declined vide order dated 23.04.2024. Hence, being aggrieved, petitioner is before this



Court by way of filing the present petition.

3. Learned Senior counsel for the petitioner has vehemently contended that petitioner has been falsely and frivolously implicated in the present case. He has submitted that the alleged occurrence had taken place in the intervening night of 6/7.03.2022. The FIR was registered on the statement of father of the deceased merely on the suspicion that petitioner had committed the murder of his son. He submits that no evidence whatsoever was found against the petitioner however, in a deliberate manner, the investigating agencies recorded the statement of *bua* and sister of the deceased on 01.06.2022 wherein it was alleged that they saw the deceased with petitioner in that intervening night thus, both were projected as last seen witnesses of the occurrence. He submits that statements of the witnesses were recorded after three months of occurrence and there is no plausible reason for keeping mum during all these three months when they had seen the deceased in the company of the petitioner. He submits that a Bolero Car was thereafter, recovered from which the investigating agencies collected the blood stains however, the same was not matched with the petitioner. He fairly submits that petitioner is involved in other cases and it is because of his antecedents, petitioner has been arrayed as an accused in this case. He submits that the material witnesses have already been examined and petitioner is behind bars since the date of his arrest. He thus, submits that in the facts and circumstances of the case, when the prosecution has no evidence against the petitioner, his further incarceration is totally unwarranted and he deserves to be granted regular bail.

4. Learned counsel for the complainant has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that as per the post made on Facebook, sister of the deceased had affair with the petitioner and it is because of this, the deceased was murdered by the



petitioner.

5. Learned State counsel has also opposed the submissions made by counsel for the petitioner. He submits that petitioner is a habitual offender as he is involved in number of other cases as well. He further submits that out of 25 witnesses, the prosecution has already examined 10 witnesses. He submits that the last seen evidence is a credible piece of evidence and there was a motive thus, no case is made out for grant of bail to the petitioner.

6. This Court has heard counsel for the parties and perused the record with their able assistance. It is evident from the facts and circumstances of the case that the present case is based on circumstantial evidence. There is no direct evidence produced by the prosecution. The FIR itself is also on the basis of suspicion. The statements of the last seen witnesses have been recorded on 01.06.2022 i.e. after about 03 months of occurrence. Prosecution has examined 10 witnesses out of 25 prosecution witnesses including the last seen witnesses. This Court would refrain itself from commenting anything on the merits of the case as the same lies within the domain of the trial Court to be assessed on appreciation of the evidence. However, keeping in view the facts and circumstances of the case this Court is of the opinion that learned Senior 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.

16.01.2025
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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