

2025:PHHC:074316



204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59737-2024
Date of Decision: 29.05.2025

Karambir ... Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Shivangi Seni, Advocate for
Mr. M.S. Tewatia, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

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 Sections 346/302/120-B/201/34 of IPC, 1860 and Section 25 of the Arms Act registered at Police Station City Palwal, District Palwal.

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 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 Karambir. However, out of them four persons described in the supplementary statement were arrayed as accused. The petitioner was arrested on 17.12.2020. 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 29.10.2024. Hence being aggrieved, the petitioner is before this Court by way of filing the present second petition praying for the grant of regular bail.

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 other shoe of the deceased 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 co-accused and the recovery of other shoe of the deceased from the petitioner, 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. 17.12.2020 and has suffered incarceration of 04½ years as on 28.05.2025 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 the petitioner has never been involved in any case of the similar nature also. He submits that co-accused of the petitioner, namely, *Munesh Kumar and Umesh Chand* have already been granted bail by this Court vide order dated 22.08.2024 passed in **CRM-M-34547-2024** and order dated 07.05.2025 passed in **CRM-M-11511-2025** and thus, case of the petitioner is at par with that of the co-accused, who have been granted bail by this Court. He has submitted that the petitioner has no criminal antecedents and thus, he deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has opposed the submissions made by counsel for the petitioner. He, on instructions from ASI, Prem Singh, has submitted that during the investigation it has been found that there are four accused persons out of which two accused are on bail. He submits that the petitioner has committed a heinous crime 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.

5. Heard.

6. 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 and on the basis of disclosure statement of co-accused. Thereafter, the petitioner was arrested on 17.12.2020. It is submitted before this Court that except the alleged recovery of other shoe of the deceased there is 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, 06 months & 02 days as on 28.05.2025. He is not involved in any other case. 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.

7. This Court would refrain itself from commenting anything on the merits of the case. The petitioner is in custody since the date of his arrest, i.e. 17.12.2020 and co-accused, namely, *Munesh Kumar and Umesh Chand*, whose case is stated to be at par with the petitioner, have already been granted bail by this Court vide order dated 07.05.2025 and 22.08.2024. The petitioner is not involved in any other case.

8. 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. 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 on the

basis of parity as the co-accused, namely, *Munesh Kumar and Umesh Chand* have already been admitted to bail by this Court as stated above.

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

29.05.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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