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

CRM-M-61902-2024**Date of decision : 05.04.2025****Ram Chander****....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Amit Dudeja, Advocate and
Mr. Amarsh Dudeja, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present is the second petition filed by the petitioner praying for grant of regular bail in case FIR No.245 dated 22.12.2022, under Sections 346/302/201 & 34 IPC, registered at Police Station Sector-20, District Panchkula.

2. Succinctly the facts of the case are that the present case was registered on the statement of complainant, namely, Maya wife of Jagroop. It was alleged that on 20.12.2022 her husband, namely, Jagroop had gone to his work but he did not return. She waited for him throughout the day, however, could not find him. It was alleged that her husband was addicted to alcohol and hence he be searched. Request was made to take legal action against the culprits. On registration of the FIR offence under Section 346 IPC was found and investigation commenced. The dead body of Jagroop was found on 23.12.2022. During investigation, the



complicity of the petitioner and the co-accused, namely, Kanhiya was found. Thus, the petitioner was arrested on 23.12.2022. He approached the Learned Additional Sessions Judge, Panchkula praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Panchkula vide order dated 06.03.2024. Aggrieved by the same, the petitioner earlier approached this Court by way of filing CRM-M-15984-2023, which was dismissed as withdrawn vide order dated 18.08.2023. Hence, the petitioner is before this Court praying for grant of bail by way of filing of second present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. It is submitted that the case put up by the prosecution is totally based on the basis of circumstantial evidence. He submits that the petitioner was arrested in the present case only on the basis of presumptions and assumptions. He submits that the evidences collected by the prosecution are primarily of the last seen and that of the extra judicial confession of the petitioner having been made before one Krishan Kumar. He submits that during trial, witness of extra judicial confession, Krishan Kumar, had appeared before the trial Court as PW-4 and had not supported the case of the petitioner. On the request of Public Prosecutor, he was declared hostile. He submits that even the last seen theory is seriously doubtful as by the deposition of the son of the deceased, the same is full of infirmities. It has been submitted that co-accused of the petitioner, namely, Kanhiya Lal, has already been granted bail by this Court vide order dated 21.10.2024 passed in CRM-M-34595-2024 and the petitioner is languishing in jail from last more than 02 years. It is



submitted that material witnesses have already been examined and thus, the possibility of tampering with the prosecution witnesses also do not survive. He further submits that the petitioner has no criminal antecedents and thus, in the overall facts and circumstances of the case the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner and submits that the petitioner is closely related to the wife of the deceased and only in order to usurp the property, he had killed the husband of the complainant. He further submits that the deceased was last seen in the company of the petitioner and that is also a credible evidence. He further submits that dead body of the deceased was recovered on the disclosure of the petitioner. He, on instructions from ASI Jagpal Singh, has submitted that out of total 21 prosecution witnesses, 11 witnesses have been examined. He has placed on record the custody certificate of the petitioner and submits that no case for granting bail to the petitioner, is made out.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is totally based on circumstantial evidence. As submitted before this Court by learned counsel for the petitioner, the witness of extra judicial confession, Krishan Kumar, had not supported the case of the prosecution. Out of total 21 prosecution witnesses, 11 witnesses have already stands examined which includes the material witnesses cited by the prosecution. The custody certificate produced by the learned state counsel, would show that the petitioner has suffered an incarceration of 02 years, 03 months and 08 days as on 03.04.2025. It further shows that the petitioner has no criminal antecedents.

6. The arguments raised by learned counsel for both the sides would be appreciated by the trial Court on the appreciation of the evidences and thus, this Court would refrain from commenting anything on the merits of the case. However, in the over all facts and circumstances confining itself to the prayer of the bail, thus, 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. 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.

05.04.2025
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(RAJESH BHARDWAJ)
JUDGE

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