

grant of bail by way of filing the present petition.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously roped in the present case. He submits that the FIR has been lodged by the complainant wherein unknown dead body was found lying. He submits that the petitioner in the present case has been involved on the basis of the disclosure statement of co-accused Pardeep. He submits that besides this, investigating agency recorded the statement of one witness namely Geeta Rani, who made a statement that the petitioner was lastly seen in the company of the deceased. She has been examined before the trial Court as PW4, but did not support the case of the prosecution and thus, she was declared hostile. He submits that case of the prosecution is based on the circumstantial evidence. The prosecution is liable to prove the complete chain of evidence and in the facts and circumstances, case of the prosecution is virtually without any evidence against the petitioner. He submits that the petitioner has no criminal antecedents and behind the bars since the date of his arrest i.e. 19.10.2023, however, there is no material progress in the trial. He, thus, submits that in view of the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that after recovery of the dead body, statement of father of the deceased was recorded, who suspected the petitioner and the co-accused to be the mastermind behind the crime. Their disclosure statements were recorded. He submits that statement of witness Geeta Rani was also recorded as the petitioner was lastly seen in the company of the deceased. He further submits that there is record of phone calls regarding the conversation between the petitioner and the co-accused. On instructions, he submits that out of total 23 prosecution witnesses, only 05 witnesses have been examined so far. He has placed on record the custody certificate of the petitioner. However, he affirms

the factum that the witness Geeta Rani has not supported the prosecution. The custody certificate would reflect that the petitioner has suffered incarceration of 01 year, 08 months & 18 days as on 07.07.2025.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the present FIR has been lodged on the basis of the disclosure statement. Out of total 23 prosecution witnesses, only 05 witnesses have been examined till date. The custody certificate would reflect that the petitioner has suffered incarceration of 01 year, 08 months & 18 days as on 07.07.2025. It further reflects that the petitioner has no criminal antecedents.

6. 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, 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.

7. 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.

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

09.07.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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