

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

**CRM-M No.15897 of 2015 (O&M)
Date of Decision: 05.10.2015**

Rajesh Kumar

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Ms. Rupinder K. Thind, Advocate for the petitioner.

Mr. Rajiv Doon, Assistant Advocate General, Haryana
for the respondent along with ASI Raj Kumar.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail in case FIR No.166 dated 07.04.2010, under Sections 302, 201, 458, 364, 120-B of the Indian Penal Code and Section 25/54/59 of the Arms Act, registered with Police Station Bhiwani City, District Bhiwani.

The complainant-Smt. Krishna is the mother of the victim/deceased-Kusum, who was kidnapped in the intervening night of 6/7.04.2010 by three unidentified persons from her home and her dead body was found next day in a pond of Village Baas, District Hisar, which is more than 30 Kms. from the place of her residence. Deceased-Kusum during her lifetime was pursuing a course i.e. B.Tech. in Jan Nayak Chaudhary Devi Lal Vidyapeeth, Sirsa.

After investigations, an untraced report was filed by the police. Subsequently, co-accused-Attar Singh, while interrogation in another case, confessed his guilt qua the murder of Kusum along with Som Deep @ Soni and Davinder Singh at the behest of present petitioner/accused-Rajesh Kumar. The co-

accused Davinder Singh has since died.

Three aforesaid accused are facing trial and the case is at the stage of recording of prosecution evidence.

During the trial, learned Additional Sessions Judge, Bhiwani has directed the police to carry out further investigations in the light of certain incriminating material discovered against one Rajender Singh r/o Sirsa. It has come to light that Rajender Singh, who is a married man and deceased-Kusum were having an affair and were both using each others Sim Cards. Certain CDs have also been recovered from the room of Kusum showing her relationship with the said Rajender Singh. This aspect shows culpable negligence on part of the Investigative Agency in carrying out the investigations.

Learned Counsel for the petitioner contends that the case of the petitioner is based on the circumstantial evidence and the petitioner is in custody since 24.06.2014 and no other case is pending against the petitioner. It is next contended that line of the investigation now going towards Rajender Singh, thus the trial is not likely to be concluded in near future.

Learned State Counsel does not controvert the aforesaid factual position.

Without commenting upon the merits of the case, keeping in view the custody period and the facts of the case as noticed above, this Court finds that petitioner/accused-Rajesh Kumar deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Bhiwani.

Disposed of.

October 05, 2015

Gagan

(JASWANT SINGH)
JUDGE