

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

Crl.Misc.No.M-17058 of 2015(O&M)

Date of Decision : 13.07.2015

Narain Singh

....Petitioners

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. J.S.Bedi, Sr. Advocate with
Mr. Sunil Sihag, Advocate for the petitioner

Mr. Anmol Malik, AAG, Haryana

MAHESH GROVER, J.

The petitioner prays for grant of regular bail in terms of Section 439 Cr.P.C in case FIR no. 245 dated 12.10.2014 registered under Sections 302, 201, 120-B, 376G, 34 IPC at Police station Beri, District Jhajjar.

The facts of the case would indicate a murder of a girl called Pooja whose body was found and treated as that of an unknown person and cremated as such. Her identity was established later on when her brother identified her from the photographs. The deceased is the daughter of one Thawar Mal married to son of the present petitioner. On 19.7.2014 the deceased is said to have gone back to her parental home where she disappeared on 20.9.2014 leading to filing of a complaint dated 23.9.2014 by her father which is appended to this petition as Annexure P-7. It was stated by the complainant in his complaint that his daughter had disappeared alongwith certain gold articles out of which some were pawned with one Krishan Lal. On 4.10.2014 Pooja is said to have returned home to allege that she was kidnapped by Krishan and subjected to rape by him and his companion Vikram. On 26.9.2014 Krishan allegedly committed suicide

leading to FIR no.130 dated 7.10.2014 registered under Section 306 IPC at Police Station GRP Rewari. It is five days thereafter that the body of girl namely Pooja was recovered on 12.10.2014. On 4.10.2014 is the complaint made by Pooja alleging rape by Krishan and Vikram. The present complaint against the petitioner was instituted on 3.12.2014 by the brother of the deceased alleging that the present petitioner alongwith his son and other family members namely Dharam Raj, Dhana (all family members) had conspired with the family of Krishan Lal to murder his sister Pooja and throw her body after putting in a gunny bag in a drain.

Learned counsel for the petitioner contends with reference to Annexure P-4 that an extra judicial confession is said to have been made by one Davinder to Dharam Pal where he stated that Davinder alongwith Hawa Singh had murdered Pooja and thrown her body near Jhajgarh drain no.8.This statement is dated 2.12.2014. It is contended before this Court that no sustainable allegations are made against the petitioner and whole case is based on ambiguous statement of Vikram. The entire facts would probably indicate no suspicion toward the petitioner, particularly, after the father of the girl deceased had lodged a complaint earlier regarding her disappearance after taking away gold articles and the role of Krishan who since has also expired.

Learned counsel for the respondents on the other hand contends that the petitioner is facing serious allegations under Section 302 and does not deserve the concession of bail but he does not dispute the aforesaid facts on instructions from SI Shri Krishna.

After hearing learned counsel for the parties and noticing the peculiar facts narrated above which does not conclusively refer to the role

of the petitioner except to indicate a convoluted story probably of an errant girl and noticing the fact of the petitioner's incarceration since 16.1.2015 and the fact that the trial is likely to take some time, the instant petition is allowed. It is directed that the petitioner be released on bail in terms of Section 439 Cr.P.C . Bail to the satisfaction of learned Trial Court.

Nothing said herein shall be construed to be an expression on the merits of the case.

July 13, 2015
rekha

(Mahesh Grover)
Judge