

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

**CRM-M No. 3521 of 2016 (O&M)
Date of Decision: 14.03.2016**

Pritam Singh alias Preeti

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Karan Pathak, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Additional Advocate General, Haryana
for the respondent/State assisted by ASI Rajbir Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, is for grant of regular bail on behalf of the accused/petitioner-Pritam Singh alias Preeti in case FIR No. 710, dated 05.08.2014, for offences punishable under Sections 302, 201, 34 of the Indian Penal Code, registered at Police Station Hisar Sadar, District Hisar.

As per the complaint lodged by Jagdish, his son Kuldeep alias Poppia was missing since 28.07.2014, his decomposed body was recovered on 11.08.2014. On 12.08.2014, after recording the supplementary statement of the complainant (Jagdish), the needle of the suspicion was pointed out towards co-accused/non-applicant-Paramjit Kaur, her husband and her two sons.

The motive attributed was that the deceased had evil eye on the daughter of the co-accused/non-applicant-Paramjit Kaur. On investigation, husband and one son of the said co-accused was declared

innocent, while the petitioner, Dharambhai of Paramjit Kaur, namely, Raghubir was nominated as accused and thus, three accused were challaned.

Learned counsel for the petitioner submits that except the disclosure statement of two co-accused/non-applicants, namely, Paramjit Kaur and Raghubir Singh and the confessional statement of the petitioner leading to the recovery of Adhar Card of the deceased, there is absolutely no incriminating material on record showing the complicity of the petitioner in the offence. It is further contended that the petitioner is in custody since 13.08.2014 and the evidence of the twenty-two (22) cited prosecution witnesses is yet to commence. It is further submitted that similarly placed co-accused/non-applicant-Paramjit Kaur has since been granted bail by this Court vide order dated 08.10.2015.

Learned State Counsel, assisted by ASI Rajbir Singh, is unable to refute the aforesaid factual contention/position as also the bail of similarly placed co-accused/non-applicant-Paramjit Kaur.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner and parity of treatment, no useful purpose would be served by keeping the petitioner/accused in custody since the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

March 14, 2016

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**(JASWANT SINGH)
JUDGE**