

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

**CRM-M No.41455 of 2015 (O&M)
Date of Decision:11.01.2016**

Kulwinder

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Manoj Bajaj and Mr. Yogesh Saini, Advocates
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana
for the respondent/State assisted by ASI Jeet Singh.

JASWANT SINGH, J. (Oral)

Prayer is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused in case FIR No.573 dated 28.12.2013, under Sections 302, 449, 195, 120-B, 216, 34 of the Indian Penal Code, registered with Police Station Surajkund, District Faridabad (**Annexure P-1**).

The FIR was lodged on the statement of the mother/complainant-Pushpa Devi of the deceased-Kiran.

It was alleged that the Kiran was killed in her house by two unknown ladies, who had come in 'Burka'. The dead body was found from the house of the mother-Pushpa Devi.

After investigations, the complainant-Pushpa Devi herself was nominated as an accused along with petitioner/accused-Kulwinder (uncle of Pushpa Devi) and another non-applicant/accused-Joginder.

The case of the prosecution is that it was a case of honour killing in view of wayward lifestyle of Kiran, who was now separately living from her

husband-Ranjit Singh. The entire case of the prosecution is built on the confessional statement before the police of Kiran as also of the petitioner/accused-Kulwinder.

The petitioner is stated to be in custody since 09.05.2014.

It is contended that the main accused-Pushpa Devi, at whose instance, the entire murder was planned and executed, has since been granted regular bail by this Court, vide order dated 19.12.2014, passed in CRM-M No.32240 of 2014. That apart, it is submitted that the recovery of the vehicle from the petitioner/accused is meaningless as it is nowhere suggested that the same was ever used in the crime. The recovery of the *Kitchen Knife* is also not sufficient to connect the petitioner with the crime. Still further, the confessional statements of the accused before the police are inadmissible in evidence.

Learned State Counsel, assisted by ASI Jeet Singh, submits that the case of the petitioner is distinguishable from the non-applicant/co-accused Pushpa Devi because of the alleged recovery of the aforesaid articles.

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

Disposed of.

January 11, 2016
Gagan

(JASWANT SINGH)
JUDGE