

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

CRM-M-29516-2017

Date of decision: 2.11.2017

Sunil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.R.S. Hooda, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Sunil – an accused in FIR No.535 dated 12.10.2015, under Sections 302,
201, 120-B IPC, registered with Police Station Kundli, District Sonapat.

Briefly stated, the prosecution story is that complainant Anita
wife of Raju, resident of village Mandaura had submitted a written
complaint at Police Station Kundli, District Sonapat contending therein
that she was married with Raju about 10 years earlier and they were
blessed with three children; that Raju had been working in Rai Factory

and was required to report for his job at 7:00 a.m.; that he left for his job on 10.10.2015 at 7:00 a.m. but did not return home; that it came out that he was spotted by one Rajesh, near Police Post, Barota waiting for conveyance at about 5:00 a.m. on the fateful day; that initially FIR was registered under Section 346 IPC but subsequently on recovery of dead body of Raju on 13.10.2015, offence under Section 302 IPC was added; that the matter was investigated and it came out that complainant herself was involved in the murder of her husband on account of a love affair with the present petitioner; that multiple injuries had been found on the dead body of Raju, which were ante-mortem in nature as per post-mortem report. The investigation in the case revealed that Sunil son of Mangal Ram (present petitioner), Vikas @ Kala son of Tejvir, Hari Om son of Nibhte, Bijender son of Ramesh were involved in the crime. Sunil son of Mangal was arrested and had suffered a disclosure statement, in pursuance of that he had got recovered mobile phone make Samsung, which he had been using to have conversation with complainant Anita. Anita was also arrested in this case under Section 120-B IPC. The petitioner had moved an application for regular bail, which was dismissed by learned Additional Sessions Judge, Sonapat vide order dated 11.7.2017, as such he has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that

petitioner is not named in the FIR and further there is no evidence to link him with the incident; the trial in the Court is moving at very slow pace inasmuch as only six witnesses have been examined so far out of sixteen cited, therefore, since the petitioner is in custody since the year 2015, concession of bail be granted to him.

Whereas, this request is being opposed by learned State counsel contending that involvement of the petitioner was found in the incident as a result of investigation and he does not deserve concession of bail.

After hearing learned counsel for the parties, I find that simply for the reason that the petitioner is not named in the FIR does not result in giving any benefit to him, since FIR is not a substantive piece of evidence and its only purpose is to set the criminal machinery into motion. It is only during the investigation of the case that the detailed manner of the incident can be found out and names of the culprits responsible for the crime can be known. For the reason that name of the petitioner cropped up during investigation as one of the participants in the crime and keeping in view the gravity of the offence, no ground is there to grant him benefit of bail.

However, since the trial is shown to be moving at very slow pace, the trial Court is directed to conclude the trial by giving short adjournments preferrably within a period of three months from the date of receipt of certified copy of this order in the Court.

The State counsel has been asked to ensure that the remaining PWs are present in the trial Court on the dates so fixed.

With that observations, the petition stands dismissed.

2.11.2017

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No