IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2430-2018
Date of decision: 05.07.2018

Sunil Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Mahir Sood, Advocate and
Mr. Arun William, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

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ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.60 dated 02.04.2017 under Sections 302, 307 IPC, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

Learned senior counsel for the petitioner submits that as per allegations in the FIR, the petitioner, who is aged about 60 years and brother of deceased Vinod Kumari, had taken her along with PW1 Jiwan Lal-her husband, PW2 Rajan-her son and deceased Neha-her daughter, to the bank of Yamuna canal and had pushed Vinod Kumari and Neha in the canal, on the pretext that this will solve their financial problem. It is further submitted that the only reason given in FIR was that the petitioner did not want to give money to the complainant Jiwan Lal.

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Learned senior counsel for the petitioner further submits that in his statement, PW1 Jiwan Lal has made certain improvements with regard to narration of the incident and had admitted that he was mentally disturbed and the petitioner being his brother-in-law always helped him financially whenever the need arose, however, for the last 3-4 years, the petitioner had stopped helping them.

Learned senior counsel for the petitioner further argued that in the deposition of PW2 Rajan, certain improvements have been made with regard to giving of some powder contained in small packet (puria) allegedly given by a Baba and this witness has also admitted that his father PW1 Jiwan Lal is taking treatment from a psychiatrist. It is further submitted that the petitioner is in judicial lockup since 02.04.2017 and both the material witnesses have already been examined and it will take some time in conclusion of the trial.

Learned senior counsel for the petitioner has relied upon **Umarmia @ Mamumia Vs. State of Gujarat, 2017 (2) SCC 731**, wherein the Hon'ble Supreme Court has held that in case where there is no likelihood of completion of trial at an early stage, bail can be granted to the accused on this ground.

Learned State counsel, on instructions from ASI Jaswinder Singh, has submitted that out of total 19 prosecution witnesses, 16 have been examined and 03 more PWs are yet to be examined and thereafter, the petitioner will have a right to lead his defence evidence.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial lockup since 02.04.2017 and is aged about 60 years; a retired Class-I officer from Public Health Department, Haryana and no enmity or motive is specifically attributed; there are moot

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points to be decided during the course of trial about the improvements made by the prosecution witnesses, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No

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