

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31722-2018 (O&M)

Date of Decision: 12.09.2018

Rajender Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. N.S. Shekhawat, Advocate
for the petitioner(s).

Mr. Tanuj Sharma, A.A.G., Haryana.

Mr. Vikram Rana, Advocate
for the complainant.

ANITA CHAUDHRY, J

Petitioner is seeking regular bail in FIR No.166 dated 07.04.2010, registered under Sections 302, 120-B, 201, 363, 364, 365, 366, 458 IPC and Section 25 of the Arms Act at Police Station City Bhiwani.

Learned counsel for the petitioner contends that the petitioner is in custody since 23.12.2017 and he was not named in the FIR and the allegations were that three unknown boys had taken Kusum and one of them was armed. Counsel contends that an untraced report was filed in January 2012. Counsel further contends that the untraced report mentions that polygraphy test was carried out on the petitioner and police had gone

through the call records of all the persons who were in touch with the girl which included the petitioner and his polygraphy test was sought. Counsel further submits that the petitioner was facing trial under the Arms Act in Delhi and his family resides in Haryana and he had been regularly visiting his home. Counsel submits that four persons were challaned on a disclosure statement made by Attar Singh, namely, Somdeep and Rajesh & Attar Singh and Devender had died and three have been convicted. Counsel further submits that challan was presented in May, 2014 and thereafter a supplementary challan was also filed and there was no reference and the case of the prosecution was that Kusum was having an affair with Rajesh who was married person and he was being blackmailed and Kusum was insisting on divorce and he paid Rs.5 lacs to get her killed and there was no evidence against the petitioner and after 6 years, the petitioner was declared proclaimed offender in January, 2017. Counsel urges that it is on account of his political affiliations that he was challaned and fabricated report was given to get him declared as proclaimed offender. Counsel submits that the main witnesses have been examined and only the official witnesses remain.

The State had taken adjournment earlier to verify certain facts.

State counsel informs that notice had been issued to the petitioner in 2010 and even in 2016 and he failed to appear and he was declared proclaimed offender. The State counsel also submits that in the challan which was submitted in the Court, it was mentioned that the petitioner had not appeared for the polygraphy test and the documents which have been produced on the record by the petitioner, there could be a typing mistake by the police.

The State counsel informs that the police had found that there was number of calls exchanged between the deceased and the petitioner.

According to the FIR some unidentified persons had taken away Kusum. The description of those persons was also given in the FIR. Four persons were challaned by the police out of them one had died and three have been convicted for murder. The petitioner was also challaned subsequently and the main witnesses have been examined.

The trial would take time. Without commenting anything on the merits of the case, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing surety and adequate bail bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate with a condition that the petitioner would not leave the country without the permission of the trial Court.

September 12, 2018

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**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No