

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47649-2018
Date of Decision: 03.12.2018

Raj Singh

...Petitioner

vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.P.S.Deol, Sr. Advocate with
Mr. H.S.Deol, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN,J

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No. 245 dated 29.06.2018 under Sections 302/201/120-B/34 IPC, registered at Police Station Model Town, Rewari, District Rewari.

Learned senior counsel for the petitioner submits that petitioner-Raj Singh is paternal grand father of deceased-Bhumika. He further submits that as per the allegations in the FIR, got registered by maternal grand father of deceased-Bhumika, namely, Raj Kumar, his daughter was married to Sandeep, son of the petitioner, and after the death of his daughter, deceased-Bhumika was living with the complainant, however, on persistence of Sandeep, she was sent with him and he came to know that Bhumika has died unnatural death and without conducting any post-mortem, the dead body was buried by the accused persons.

Counsel further submits that after registration of FIR, the police conducted the investigation and exhumed the dead body of the deceased and

post-mortem was conducted in which the opinion is given for the cause of death was "Asphyxia".

Learned senior counsel further submits that, thereafter, the police arrested co-accused Sandeep and on his disclosure statement, the name of the petitioner has surfaced. He further submits that complainant-Raj Kumar appeared as PW6 and in examination-in-chief, he has stated nothing about the petitioner whereas in the cross-examination, he has made following statement regarding the present petitioner:-

"... The house of accused Raj Singh is at a distance of about 200 meters from the house of accused Sandeep. Raj Singh had separate mess and he has nothing to do to in the day to day affair of life of Sandeep. We never had any complaint against Raj Singh. My grand daughter and my daughter always use to tell me that Raj Singh was a nice person and he never did any wrong with them"

Learned senior counsel for the petitioner, thus, submitted that the petitioner, who is an old man, was living separately from his son Sandeep even during life time when daughter of the complainant and wife of Sandeep were alive and he has nothing to do with the day to day life of Sandeep and the complainant has deposed that he had not complained against the petitioner.

Learned State counsel, on instructions from ASI Varinder Singh, has not disputed the factual position.

Heard.

Without commenting anything on the merits of the case, considering the submissions made by learned counsel for the parties; also in view of the fact that the petitioner is an old man and he is in judicial custody

since 30.06.2018, the present petition is allowed and petitioner is directed to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.

03.12.2018
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No