

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

CRM-M-47809-2017 (O&M)

Date of decision:15.02.2018

Krishan

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. L.S. Dandiwal, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner seeks benefit of regular bail pending trial in case FIR No.398, dated 07.07.2015, under Sections 302/120-B/34 IPC, registered at Police Station Ratia, District Fatehabad.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Subhash. Deceased is relative of the complainant, namely, Amar Chand. Complainant's version is that marriage of Amar Chand had been solemnized with Nikki daughter of Balu Ram and out of wedlock, three children were born. The matrimonial alliance between Amar Chand and Nikki was not pulling along well, on account of which Nikki along with her children were residing at Tohana in the house of her sister, namely, Lili. Complainant and Amar Chand were stated to be doing the work of grazing cattles/buffaloes.

Complainant asserted that on 06.07.2015, he had seen Amar Chand in the company of present petitioner and Ruldu consuming liquor together. On the following day, the dead body of Amar Chand was found and there were number of injuries on the body being caused with a sharp weapon.

Complainant attributed the motive to be the old grudge/enmity

between Nikki and Amar Chand and the precise allegation was that Nikki, Lili, Ruldu and the present petitioner by hatching a conspiracy have committed the murder of Amar Chand.

Petitioner was arrested on 09.09.2015.

Learned State counsel upon instructions from ASI Mahender Singh would concede that the trial has not made any headway inasmuch as even charges have not been framed till date. That apart, during the course of investigation, Nikki and Lili have been found to be innocent.

I find sufficient merit in the contention raised by counsel representing the petitioner that Investigating Agency itself has found a serious dent in the version of the complainant as regards conspiracy having been hatched between the petitioner, Ruldu, Nikki and Lili having committed the murder of Amar Chand.

Petitioner has faced incarceration since 09.09.2015.

The right of an accused to a speedy trial cannot be over emphasised.

Without making any observations on merit, keeping in view the fact that the trial has not made any progress and the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of the Trial Court /Duty Magistrate concerned.

Disposed of.

15.02.2018

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |