

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

210

CRM-M-53714-2018 (O & M)
Date of Decision:17.12.2018

Harinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Abhilaksh Grover, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.(ORAL)

Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner - Harinder Singh, in case FIR No.75 dated 08.03.2018 under Sections 302 and 201 read with Section 34 IPC registered at Police Station Model Town, Rewari.

FIR was registered on the basis of statement given by Zile Singh, who had come to know that a dead body was lying in his fields and when he reached there, he saw a person's dead body lying there with his throat slit with some sharp edged weapon. The dead body appeared to be of a labour class person. It is mentioned that some unknown persons had killed him. Viney Kumar son of the deceased, who had identified the body on 08.03.2018, during the inquest proceedings intimated that accused Harinder Singh used to have telephonic conversation with wife of the deceased and upon this Sarojini wife of deceased was interrogated. She was also arrayed as an accused and while in custody she also suffered the confessional statement of having extra-marital affair with accused Harinder.

According to her, they both had planned to eliminate Ram Swaroop, who was opposing their relationship.

Learned counsel for the petitioner has argued that the case set up by the prosecution is far away from the prudence as it is not believable that Ram Swaroop would come and join the company of the accused-Harinder with whom his wife was having an affair and consume liquor. It is further pointed out that while executing their plan, knife was pulled out by Harinder to kill Ram Swaroop, however, on two occasions the attempt failed and finally he was strangled to death with the belt. It is pointed by the counsel that as per the statement of Sarojini, Ram Swaroop died of strangulation and to make sure that he dies his throat was also slit with the knife. Mr. Abhilaksh Grover, Advocate has argued that the disclosure statement by accused-Harinder which led to the recovery of clothes does not inspire confidence as originally on 15.03.2018, it was disclosed that he can lead to the recovery of clothes from his house situated at Adarsh Nagar, Faridabad, whereas subsequently another disclosure statement was recorded and the place of recovery was shown to be under the bridge at a public place near bus stand.

On the other hand, learned State counsel has opposed the bail application on the ground that the offence is serious. However, it is not disputed the fact that the witness Viney was examined as PW-10, who turned hostile. Out of total 24 witnesses, 15 witnesses have been examined. Since the material witnesses having been examined only formal witnesses remain to be examined and as the petitioner is in custody since 15.03.2018, therefore, considering the above facts and circumstances, further detention of accused is not justifiable. Resultantly, without meaning any expression

of opinion on the merits of the case, petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate concerned.

The petition is allowed.

17.12.2018

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No