

CRM-M-9106-2018(O&M)
Date of decision:08.03.2018

Manoj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Jitender Nara, Advocate, for the petitioner.

Mr. Naveen Shoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.618, dated 09.09.2017, under Sections 302, 201, 120-B and 34 IPC, registered at Police Station City Rohtak.

Learned counsel for the petitioner submits that as per allegation in the FIR, got registered by Ram Phal, father of deceased (Rinkee), it is alleged that Rinkee was married to co-accused Chirag, who is brother of petitioner-Manoj, Chirag, husband of Rinkee was having illicit relations with wife of the petitioner, namely, Monika, another co-accused. It is further alleged in the FIR that both Monika (wife of the petitioner) and Rinkee tried to stop Chirag from going to the house of Monika, but he did not mend his ways. Therefore, the accused persons in conspiracy with each other, have killed Rinkee. Counsel for the petitioner further submits that in the FIR, six persons were nominated as accused i.e. Chirag, present petitioner-Manoj, his wife-Monika, father of petitioner-Chand Ram, mother - Kamlesh and another brother namely, Vikas. However, during investigation, the police has found three persons innocent and charges have been framed against petitioner-Manoj, his wife-Monika and Chirag. He

further submits that along with the report submitted under Section 173 Cr.P.C, the police has relied upon a document (attached as Annexure P-1) i.e. a proceeding dated 31.08.2017, which has taken place before the Incharge, Police Post, Indira Colony, Rohtak, in which, Rinkee and Chirag on one side and petitioner-Manoj and his wife Monika on other side, have agreed that Chirag will not visit the petitioner's house and the dispute between Monika and Rinkee was resolved. It is further submitted that the petitioner is having a separate house and ration card along with his wife-Monika and minor daughter Vashnavi (Annexure P-2). Later on, one more child is born and there is no one to look after them as his wife is also in judicial lock up. It is also submitted that petitioner is doing a job at Panchkula and had no role in the matrimonial life of Chirag and Rinkee. Counsel for the petitioner has further submitted that main accused-Chirag, in his disclosure statement has stated that accused in conspiracy with each other, have committed the offence, whereas, as per allegation in the FIR, he was allegedly having illicit relations with the wife of the petitioner and there was no reason for the petitioner to commit murder of the wife of co-accused-Chirag. It is also submitted that there is no evidence of hatching a conspiracy with accused-Chirag except his disclosure statement. Counsel for the petitioner further submitted that the conclusion of the trial will take long time as no prosecution witness has been examined.

Learned State counsel, on instructions from ASI Kashmir Singh, has not disputed the factual position with regard to the averments made in the FIR as well as the document Annexure P-1 which is part of report under Section 173 Cr.P.C. It is further submitted that charges have been framed and case is now fixed for prosecution evidence. However, no

has been recorded so far.

Without commenting on the merits of the case, considering the fact that the petitioner has two minor children and no body is there to look after them as his wife, a co-accused, is also in judicial lock up and also in view of the facts noticed above, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

08.03.2018
Hemlata

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No