

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.216

CRM-M-3605-2019 (O&M)

Date of decision : 30.1.2019

Pawan Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. PS Poonia, Advocate, for the petitioner.

Mr. D.R. Singla, DAG, Haryana

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.101 dated 2.5.2018, registered at Police Station Bhattu Kalan, District Fatehabad, under Sections 302/201 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the petitioner submits that the petitioner has been in custody since 3.5.2018. The trial is not likely to be concluded at an early date as no PW has been examined till date. The petitioner does not have criminal antecedents. Apart from the disclosure statement of the petitioner, there is no other evidence to link him with the murder and the petitioner had no motive to kill the deceased as admittedly, both were in love with each other. The prosecution case appears to be false and thus, the petitioner may be released on regular bail.

The factual submissions made by counsel for the petitioner have not been controverted by learned State counsel.

However, it is submitted that call detail record indicate that the petitioner was in touch with deceased before the date of the incident and that they were together before her dead body was recovered. It has thus, been

established in the police investigation that before her death, the deceased was in the company of the petitioner.

At this stage, I would not like to comment upon the merits of the case. Suffice to say that keeping in view the custody period of the petitioner as well as the fact that the trial is not likely to be concluded at an early date, it would be just and appropriate to release the petitioner on regular bail.

Accordingly, the petition is allowed and petitioner-Pawan Kumar, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(SUDHIR MITTAL)
JUDGE

30.1.2019

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No