

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-47620-2018 (O&M)

Date of Decision:-8.1.2019

Kamal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Balkar Singh, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No.26 dated 16.1.2018 at Police Station Kharkhoda, District Sonapat under Sections 364, 302, 201 and 34 of Indian Penal Code, 1860.

The FIR was lodged at the instance of Satbir, wherein it has been alleged that his younger brother Mainpal had been living with his children at Kharkhoda and who is missing since the last 5-6 months. It is alleged that wife of complainant's brother namely Ravina was having illicit relationship with Kamal (petitioner) and that he had been searching for his brother but he could not be traced and he suspects that his brother Mainpal has been killed by Kamal and his brother's wife Ravina after kidnapping him in connivance with each other.

The learned counsel for the petitioner has submitted that the present case is based mainly on circumstantial evidence and that there is no evidence worth credence so as to connect the petitioner with the alleged kidnapping or murder of Mainpal.

The learned State counsel, while opposing the petition, has submitted that after lodging of the FIR the statements of children of the deceased had been recorded, who have stated that they had seen the accused strangulating the deceased Mainpal. The learned State counsel has further informed that charges have already been framed although none out of the cited 20 witnesses has been examined so far.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the petitioner has been behind bars since the last about one year and not even a single prosecution witness has been examined so far, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars as the trial in its normal course is likely to take some time for its conclusion. The petition, as such, is accepted. The petitioner Kamal is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This petition stands accepted accordingly.

8.1.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No