

203 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-24752-2019

Date of decision-04.06.2019

Sunil

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Shivansh Malik, Advocate for the petitioner.

Mr. D.R.Singla, DAG, Haryana assisted by  
SI Harinder.

\*\*\*

MANOJ BAJAJ, J.

Petitioner-Sunil has prayed for grant of regular bail in case FIR No.493 dated 04.12.2018 under Sections 302, 201 and 120-B read with Section 34 of Indian Penal Code registered at Police Station Kalanaur, District Rohtak. The petitioner is in custody since his arrest on 12.12.2018.

The FIR was recorded on the statement of Suman when she reported the matter about missing of her husband (Sanjay S/o Risal) and the first information report reads as under:-

*“To, SHO Police Station Kalanaur, Sir it is requested that I Suman w/o Sanjay caste Dhanak r/o Village Kherari and I am a housewife. My husband Sanjay s/o Risal left the house on 2.12.2018 in the morning at 6 A.M. out of his own will without disclosing to anyone. For which I along with my other family members made a search at my own level but not avail. He was wearing*

*black trousers, yellow colour shirt and was having a red stole (parna) and wearing slippers. Today I came present in the police station and got my report registered. My husband may be searched. Applicant Suman w/o Sanjay caste Dhanak Village Kherari Mob No.9812436520, 7419140646.”*

Thereafter statements of Sukhwinder Singh S/o Risal Singh, brother-in-law of the Suman and his wife, namely, Saroj were recorded under Section 161 Cr.P.C., wherein it was alleged that Suman was having illicit relationship with her bother-in-law, namely, Sunil. On the strength of these statements, offences punishable under Section 302 and 201 IPC were added.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as he has been indicted on the disclosure statements of Sukhwinder and Saroj. He further contends that the co-accused, namely, Suman has already been granted concession of regular bail by this Court vide order dated 24.05.2019. According to him, material witnesses have been examined

On the other hand, learned State counsel who is assisted by SI Harinder has opposed the prayer, but does not dispute this fact that PW-1 Sukhwinder Singh and PW-2 Saroj have not supported the prosecution case, who were declared hostile by trial Court. It is also submitted that out of 20 prosecution witnesses, 14 witnesses have been examined. It is not disputed that co-accused Suman was granted bail by this Court.

Considering the fact that trial is likely to consume more time, this Court is of the opinion that further detention of the petitioner may not be

justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Rohtak.

The petition is allowed.

(MANOJ BAJAJ)  
JUDGE

04.06.2019  
vanita

|                             |     |    |
|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |