

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

CRM-M-24645-2019 (O&M)

Date of Decision:-3.10.2019

Parveen Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Narender Pal Bhardwaj, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana,
assisted by SI Surender Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.149 dated 7.4.2018 at Police Station Sadar Thanesar, District Kurukshetra under Section 346 of Indian Penal Code, wherein offence under Section 302 IPC was added later on.
2. The FIR was registered at the instance of Joginder Singh, wherein it has been alleged that on 7.4.2018, when he woke up during night to attend a call of nature, then he noticed that the lock of the main gate was open and wife of his brother namely Ms. Pooja was missing.
3. The learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and that it is a case where the complainant's sister-in-law went missing and her dead body was allegedly found after a couple of days and the petitioner is now being sought to be implicated on the basis of some telephone calls allegedly made between the petitioner and the deceased.

4. Opposing the petition, the learned State counsel has submitted that the aforesaid Pooja went missing on 7.4.2018, her dead body was recovered on 9.4.2018 from Paonta Sahib from near a temple and was found to be bearing various injuries on her body. It has further been submitted that subsequently the petitioner was arrested on 11.4.2018 and pursuant to his disclosure statement he got the telephone of the deceased recovered. Upon getting the call-details from the service provider, it has been found that some telephone calls had been exchanged between the petitioner and the deceased on the day of occurrence and they had been conversing with each other even prior to the alleged incident. A prayer has thus been made for dismissal of the bail petition.
5. I have considered rival submissions addressed before this Court.
6. The case of the prosecution, apparently is based on circumstantial evidence, which is mainly in the nature of call-details record between the petitioner and the deceased. The petitioner, in any case, has been behind bars since the last about 1½ years. In these circumstances, this Court is of the opinion that further detention of the petitioner will not serve any useful purpose as the conclusion of trial could still take more time as till date 12 out of the cited 18 prosecution witnesses have been examined. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

3.10.2019

pankaj

**(Gurvinder Singh Gill)
Judge**Whether speaking /reasoned
Whether ReportableYes / No
Yes / No