

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-367-2020

Date of Decision:15.01.2020

Mahender

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Saleem Ahmed, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.0288 dated 01.11.2015 under Sections 304-B, 34, 498 (the offence under Section 302 IPC was added later on), registered at Police Station Ferozepur Jhirka, District Mewat(Nuh).

Learned counsel for the petitioner states that since the petitioner was declared proclaimed offender, he was arrested in the case on 07.05.2019 and since then he is in custody. The FIR registered at the behest of Papu son of Sumra, who is father of deceased Anita. Marriage of Anita was solemnized with co-accused Bablu son of Sher Singh about five months before registration of the FIR. While drawing attention of this Court to the contents of the FIR, learned counsel for the petitioner has submitted that the

was convened, where Bablu who is husband of Anita has admitted that he with the help of Raji wife of Dharm Singh, Roshni wife of Mahender and their relatives Shyam Singh son of Kala have killed Anita at the house of Shyam Singh son of Kala. Co-accused Raji has faced trial and vide judgment dated 11.10.2017, she has been acquitted by the trial Court. He further states that when there is no specific allegation against the petitioner and co-accused having been acquitted by the trial Court, the petitioner deserves to be admitted on bail.

Learned State Counsel, on instructions from HC Manoj Kumar, does not dispute the fact that the petitioner was declared proclaimed offender and was arrested in the case on 07.05.2019 and since then he is in custody. She states that wife of the petitioner has also been declared proclaimed offender which is sufficient to draw an inference that the petitioner is accused in the case along with his wife. Moreover, marriage of Anita was solemnized with Bablu son of Sher Singh about five months before registration of the FIR and she died with a short span. The allegations against the petitioner are serious.

Heard learned counsel for the parties.

Petitioner is in custody since 07.05.2019, though he was arrested after being declared as proclaimed offender. Considering the averment made by the complainant, wherein it has been stated that Bablu husband of Anita has admitted that he with the help of Raji wife of Dharm Singh, Roshni wife of Mahender and their relatives Shyam Singh son of Kala have killed Anita at the house of Shyam Singh son of Kala, but there is no allegation against the petitioner as regards killing of Anita. Trial in the case is not likely to be concluded in the near future. Moreover, petitioner is

elder brother of Bablu and considering the fact that co-accused Raji has been acquitted by the trial Court against whom there are allegations, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

January 15, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No