

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3807-2020

Date of Decision: 18.02.2020

Baljeet @ Nittu

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kanwaljeet S. Brar, Advocate for the petitioner.

Mr. Praveen Bhadu, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.98 dated 06.08.2019, under Sections 120-B and 302 IPC, registered at Police Station Baragudha, District Sirsa. He is in custody since his arrest on 19.08.2019.

The FIR in the present case was registered on the statement of complainant Amrik Singh, wherein it was stated that his daughter, namely, Sukhdeep Kaur (since deceased) got married with Kala Singh and she was having two children, namely, Harpreet Kaur and Parabhjot Singh. His son-in-law Kala Singh used to beat his daughter under influence of intoxication, who left her company about six months back and was residing with his brothers and parents. As per complainant, efforts were made to persuade Kala Singh for rejoining the company of Sukhdeep Kaur, but he did not listen to them. Aman, a neighbour of Kala Singh was stalking his daughter and instigated Kala Singh to eliminate Sukhdeep Kaur. According to complainant, on 06.08.2019 at about 7:30 a.m., his daughter telephonically

informed him that Kala Singh had called her at Subakhera road for meeting and settling the dispute. However, at about 10:00 a.m., the complainant received a telephonic call from some person that his daughter has been murdered. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that victim Sukhdeep Kaur had strained relations with main accused, namely, Kala Singh (her husband), who had left her company. It is pointed out that the FIR is based on a telephonic information received by the father of the victim and the motive is attributed to Kala Singh. He has argued that the petitioner was indicted as an accused along with other relatives of Kala Singh on his disclosure statement. He has produced the said statement, wherein it is mentioned that Kala Singh had caused injuries on the person of the victim, which caused her death. According to the learned counsel the prosecution case is based on circumstantial evidence and since the investigation is complete, therefore, his further custody may not be necessary.

On the other hand, learned State counsel assisted by SI Raj Kumar, has opposed the prayer on the ground that the petitioner participated in the crime along with other co-accused. It is pointed out that the main accused was residing in the house of his brother Baljeet @ Nittu (petitioner). However, it is not disputed that the investigation of the case is complete and the charges were framed on 19.12.2019. According to him, there are total 22 witnesses, but none of them has been examined so far.

Considering the above, the custodial period of the petitioner and keeping in view the fact that the trial of the case is likely to consume considerable time to conclude, therefore, further detention of the petitioner may not be justified. Resultantly, without meaning any expression of

opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court Sirsa.

The petition is allowed.

18.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No