

CRM-M-11425-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11425-2020

Date of Decision: 3rd June, 2020

Anil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Raghav Gulati, Advocate, for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.268, dated 27.07.2019, registered at Police Station Kundli, District Sonapat, under Sections 120-B, 201, 302 & 34 of the Indian Penal Code.

Learned senior counsel for the petitioner submits that all the material prosecution witnesses, whose statements have been placed on record as Annexure P-2 to P-4, have turned hostile, who are near relatives of deceased wife Preeti, of the petitioner. He asserts that with the star witnesses of the prosecution having turned hostile, no evidence has come forth which would connect the petitioner with the alleged commission of offence. He contends that the petitioner is in custody since 06.08.2019 i.e. few days short of 10 months with the next date of hearing before the trial Court as 01.07.2020, the trial is not likely to conclude in near future because

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of the prevailing circumstances and therefore, bail be granted to the petitioner.

Learned counsel for the State submits that as per the prosecution version, the offence which has been committed by the petitioner is serious in nature as his wife has been killed. He contends that no cogent explanation is coming forth from the petitioner with regard to the death of his wife. He, however, could not dispute the fact that the prosecution witnesses, who were material for the decision of the case, have turned hostile and have not supported the prosecution version.

I have considered the submissions made by the learned counsel for the parties and on going through the relevant documents placed on record especially in the light of the fact that the material prosecution witnesses have not supported the prosecution version as also keeping in view the facts that the petitioner is in custody since 06.08.2019 i.e. almost 10 months and the trial is not likely to conclude in near future, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Sonipat.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

3rd June, 2020
Harish

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