

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Criminal Misc. No. M-14195 of 2020(O&M)  
Date of Decision: 19.06.2020

Chander @ Chandan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rahul Deswal, Advocate,  
for the petitioner.

Mr. Deepak Sabharwal, Addl. A.G. Haryana

ANIL KSHETARPAL, J(Oral)

Present petition has been filed by the petitioner, namely, Chander @ Chandan, under Section 439 Cr.P.C. for grant of regular bail in FIR No. 43, dated 18.01.2019, registered under Sections 302/201/34 IPC and Sections 420/467/468/471 IPC (added later on), at Police Station City Karnal, District Karnal.

In a nutshell, the case of the prosecution is that the petitioner along with Smt. Urmila @ Rekha and other co-accused had caused death of late Sh. Nitya Nand Mandal at his house by strangulation. Smt. Urmila @ Rekha, a co-accused, is widow of late Sh. Nitya Nand Mandal, deceased. It is claimed that the petitioner and Smt. Urmila @ Rekha were having relationship and in fact Smt. Urmila @ Rekha aged about 48 years had eloped with the petitioner for a period of 3 months. Thereafter, late Sh. Nitya Nand Mandal had brought her back. It is also the case of the prosecution, which has been initiated on the information supplied by Shriti

daughter of late Sh. Nitya Nand Mandal, that the petitioner and late Sh. Nitya Nand Mandal consumed liquor on fateful night in the presence of Smt. Urmila @ Rekha at their house.

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel for the petitioner contends that the entire case of the prosecution is based upon circumstantial evidence. The co-accused Smt. Urmila @ Rekha has been granted concession of bail vide order dated 05.02.2020. The police after conclusion of the investigation has submitted a final report under Section 173 of the Code of Criminal Procedure, however, thereafter, the trial has not made any substantial progress because the first informant and other prosecution witnesses are not appearing before the Court. The attention of this Court has also been drawn to the daily orders passed by the Court on 08.08.2019, 09.10.2019, 06.01.2020 and 16.03.2020 in support thereof.

On the other hand, learned counsel for the State has opposed the prayer on the ground that the petitioner is the main accused.

The petitioner is in custody since 27.01.2019 i.e. for a period of 1 year and 6 months approximately. As noticed above, the first informant and other prosecution witnesses are not appearing before the Court to depose, resulting in delay in conclusion of the trial.

Keeping in view the facts of the case, this Court is of the considered view that further incarceration of the petitioner, at this stage shall not be appropriate.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 27.01.2019 i.e. for a

period of 1 year and 6 months approximately and conclusion of the trial is likely to take some time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the present petition is allowed with the aforesaid directions.

**(ANIL KSHETARPAL)**  
**JUDGE**

**June 19, 2020**  
**“nt”**

**Whether speaking/reasoned :Yes/No**  
**Whether reportable : Yes/No**