

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14755-2020 (O&M)

DATE OF DECISION: JULY 16, 2020

AMIT @ SEETU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. R.K. LATHWAL, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP SINGH PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner Amit @ Seetu has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.475 dated 2.10.2018 under Section 302, 201, 120-B, 34 IPC, Police Station Kharkhoda, District Sonipat, pending trial. The petitioner is in custody since his arrest on 15.3.2018.

The FIR was registered on the statement given by Om Parkash wherein it was stated as under:-

“To, Post Incharge Saidpur Sir Stated that I am Om Parkash S/o Sh Chander Singh, Caste Jat and I am resident of Village Jatola and I am retired from D.T.C. Department and I have two sons and elder one name is Rakesh and younger is Naveen and the marriage of my son was solemnized 14 years ago with Anita D/o Dariyav Singh resident of Bakner. My son went on security duty on 27.09.2018 morning time at Bawana Industrial area. That my son Rakesh found dead on next day 28.09.2018 at morning time at Halalpur Canal pier and post mortem was conducted. After that Krishan S/o Dharam Singh,

Caste Jat, Resident of Village Jatola told me that Deepak S/o Satbir who was neighbor was sitting at Rakesh motorcycle alongwith Rakesh and I saw Amit S/o Jagbir was coming on another motorcycle behind him and he was coming from Bawana to Firozpur at approx 08.00 at evening time. That my son wife Anita had illicit relationship with Amit S/o Jagbir for many days and due to this there was fight between my son Rakesh and my son wife Anita. That during fight Anita used to told Rakesh I will dispose you. That I have suspicious that my son Rakesh was killed by Amit S/o Jagbir and Deepak S/o Satbir on the asking of Anita and throw the dead body of my son on Halalpur Canal for concealing. Kindly take a legal action against them. SD/- Om Parkash 805320203”

Learned counsel for the petitioner contends that the entire case of the prosecution is founded on the circumstantial evidence and the petitioner alongwith his cousin Deepak were roped in on the strength of last seen evidence with the victim Rakesh. It is pointed out that there is no evidence to establish the illicit relations between the petitioner and his co-accused Anita (wife of the victim). He submits that the alleged occurrence took place on 28.9.2018, whereas the FIR was lodged after a long delay of 5 days. Learned counsel has further pointed out that during the inquest proceedings, the death of the victim was mentioned as accidental death. He submits that the trial is likely to consume considerable time, therefore, further custody of the petitioner may not be necessary. It is prayed that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by SI

Satya Narain has opposed the prayer on the ground that the petitioner was having illicit relations with co-accused Anita (wife of Rakesh) and the cousin of the petitioner was seen with the victim on the date of occurrence and the present petitioner was following them. He submits that the prosecution witness Krishan had seen all the three together and therefore, the case of the prosecution is founded on convincing material. It is pointed out that out of 25 prosecution witnesses, 7 have been examined including the complainant.

After hearing the learned counsel for the parties and considering the above background, this Court does not find any reason to decline the prayer of the petitioner as the trial is likely to consume considerable time, in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in custody and is not required for any useful purpose. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

July 16, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No