

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

209

**CRM-M-18772-2020
Date of decision: 08.09.2020**

Musraf

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Virat Amarnath, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner pending trial in case FIR No. 521 dated 10.10.2018 registered at Police Station Gannaur, District Sonapat under Section 365 of the Indian Penal Code, 1860 (for short 'the IPC') to which Sections 302 & 201 of the IPC were added later on.

The above said FIR was registered on statement of the petitioner himself who alleged that on 08.10.2018 at about 6:00 p.m. his daughter Farida went missing near village Badi Rajbaya. Pursuant to registration of the above said FIR under Section 365 of the IPC the police investigated the case and during investigation seized CCTV footage from Bhatti Wal Cement Store at Ram Nagar Colony, Shani Mandir Jatal Road Panipat which showed that the daughter of the

petitioner accompanied him in the first capture while the petitioner returned without her in the second capture of the CCTV footage. The petitioner also made extra judicial confession to Satbir Singh confessing his guilt. On completion of the investigation the petitioner has been charge-sheeted by the police to face trial under Sections 302 and 201 of the IPC.

The petitioner, who is in custody since 11.10.2018, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State counsel in terms of status report filed by way of affidavit of Joginder Rathee, HPS, Deputy Superintendent of Police, Ganaur, Sonipat.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. During trial Satbir Singh was examined as PW-6 who stated that he wrote complaint Ex. P6/B regarding making of extra judicial confession by the petitioner under police pressure. The CCTV footage is not reliable as Madan Kumar proprietor of Bhatti Wal Cement Store admitted during his cross-examination as PW-2 that he did not possess the bill of the CCTV cameras; that he does not have ownership documents of the store and that the CD was got prepared by the Investigating Officer. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand learned State Counsel has submitted that

the petitioner is accused of having murdered his minor step daughter. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that out of the 13 prosecution witnesses, 9 prosecution witnesses have already been examined and also that the trial can be expedited on easing out of the restrictions imposed due to pandemic of Covid-19 but without commenting on the merits of the case, I am of the considered view that the petitioner does not deserve grant of regular bail.

In view of the above, the present petition is dismissed. However, the trial Court is directed to expedite the trial on easing out of restrictions imposed to prevent the spread of infection of Covid-19.

08.09.2020

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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