

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

**CRM-M-22495-2020 (O&M)
Date of Decision: 18.08.2020**

Rajesh Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Ms. Priyanka Dalal, Advocate for the petitioner.

Mr. Parveen Bhadu, AAG, Haryana.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks benefit of regular bail pending trial in FIR No.0043 dated 26.01.2019 under Sections 201 and 302 IPC registered at Police Station Sector-50, District Gurugram.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Shrikant Thakur. Deceased is Babita, daughter of the complainant whose dead body was found in a box bed from the room of one Dinesh.

Present petitioner is the husband of the deceased and was stated to be working as a driver with Dinesh.

Petitioner was arrested on 02.02.2019. Even though Dinesh has been examined before the Trial Court and has supported the prosecution version, yet it is a case of circumstantial evidence.

Complainant i.e. father of the deceased has been examined before the Trial Court and has been declared hostile.

Material prosecution witnesses have already been examined.

It is not the case made out on behalf of the State that benefit of bail, if granted, to the petitioner, he would be in a position to hamper the course of a free and fair trial.

In view of the above and also keeping in view the length of incarceration already suffered, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, Gurugram.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

August 18, 2020
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No