

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

225

**CRM-M-29573-2020(O&M)
Date of decision :30.10.2020**

SUMIT @ SITTU

.....Petitioner

versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Singh, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

On 30.09.2020, the following order was passed:-

“This is second petition for grant of bail pending trial in a criminal case arising from FIR No.24 dated 29.01.2017 registered under Section 346 of the Indian Penal Code, 1860 and under Section 302/201/34 of IPC (added later on), at Police Station Beri, District Jhajjar, Haryana. The first petition filed was withdrawn on 04.04.2019.

Learned counsel for the petitioner contends that the prosecution has examined Rajesh, the sister-in-law of the deceased, who has deposed that when the petitioner strangled the deceased, she had witnessed the same. He contends that the deposition of the aforesaid witness cannot be believed as the alleged occurrence is of 15.11.2016 whereas the FIR was registered on 29.01.2017 alleging that the deceased has gone missing. He contends that at that time, Smt. Rajesh never came forward to disclose that it was the petitioner who had murdered Narender-deceased.

Learned counsel for the State prays for time to file reply. He is also requested to disclose the forensic science evidence, if any, collected by the Prosecuting Agency.

Adjourned to 26.10.2020.”

Although, a detailed reply has been filed, however, attention of

the Court has not been drawn to any scientific or forensic evidence collected

by the police to prove involvement of the petitioner.

The petitioner is in custody for more than 3 years. The conclusion of the trial is likely to take time.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody for more than 3 years and the trial of the case is likely to take a long time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly, the petition is allowed with the aforesaid directions.

October 30, 2020
nt

(ANIL KSHETARPAL)
JUDGE

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