

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20166-2021(O&M)

Date of decision : 27.05.2021

Parmod

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Harkirat Singh Ghuman, Advocate for the petitioner.

Mr.Saurabh Mohunta, DAG, 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 regular bail pending trial in FIR No.179 dated 18.09.2019, under Sections 302 and 309 IPC, registered at Police Station Sector 13-17, Panipat, District Panipat.

Counsel for the parties have been heard.

Deceased in the present case is a young boy namely Yash and who as per medical evidence was strangled to death. Petitioner herein is the father of the deceased.

Complainant is the mother of the deceased i.e. wife of the petitioner.

Motive attributed is that there were strained relations between

the couple and while the mother was away from the home, the father/petitioner just to teach his wife a lesson strangled his own son to death.

Petitioner was arrested on 18.09.2019.

During the course of arguments it has gone uncontroverted that there was no eye witness to the alleged occurrence.

As per prosecution version the petitioner himself had thereafter attempted to commit suicide by way of hanging and bruise marks were found on his neck.

Evidence in the nature of recovery of pieces of rope to connect the petitioner with the crime is the stand of the prosecution.

It is a case of circumstantial evidence.

Complainant was not even present at the time of the alleged occurrence.

Investigation having been completed, even charges have been framed and out of thirteen prosecution witnesses cited, three have been examined.

Court has been informed that during the course of investigation some members of the in-laws' family of the complainant i.e. mother of the deceased were found innocent and now the complainant has filed an application under Section 319 Cr.P.C. to summon the other members of her in-laws' family to face trial as additional accused. Such application is still pending adjudication.

Trial as such will take time to conclude and particularly keeping in view the current Covid pandemic.

Complainant has already been examined-in-chief.

In the totality of circumstances and coupled with the length of incarceration already suffered by the petitioner and without expressing any opinion on merits, 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, Panipat.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

27.05.2021
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No