

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

CRM-M No.24618 of 2021

Date of Decision: 17-09-2021

Ashu Rathore

.....Petitioner.

Versus

State of Haryana

.....Respondent.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Kunal Dawar, Advocate,
for the petitioner.

Mr. S.S.Pannu, DAG, Haryana.

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MEENAKSHI I. MEHTA, J.

The petitioner herein seeks the relief of regular bail in the criminal case pertaining to the FIR bearing No.88 dated 02.06.2020 registered at Police Station Dhauj, Faridabad, under Sections 302 &120-B IPC.

2. Shorn and short of unnecessary details, the allegations, as levelled in the subject FIR, are that the brother of the complainant-informant named Lakhan was found dead in his house and the complainant suspected that his brother had been killed by his sister-in-law Madhu, the wife of the deceased, because of the marital discord between them over the transfer of a house. During the investigation, the petitioner was also found to have participated in the alleged crime along-with his co-accused namely

Madhu and Vinod Kumar.

3. Status-report filed on behalf of the respondent-State, by way of the affidavit of the Assistant Commissioner of Police, Mujessar, District Faridabad, is already available on the file and the same is taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

5. Learned counsel for the petitioner has pointed out that the name of the petitioner does not find mention as an accused in the said FIR and rather, as per the allegations as mentioned in Paras No.5 and 7 of the status-report, he had been arrested in this case on the basis of the disclosure statement, as suffered by his co-accused Madhu and he had conspired with both of his above-said co-accused to kill the victim and had tied his (victim's) feet with a rope/dog-belt whereas his co-accused had strangulated him (deceased) with a dupatta and he has contended that however, in the post-mortem report of the deceased, no injury is reported to have been noticed on his feet and even otherwise, the petitioner is behind the bars since the date of his arrest, i.e. 04.06.2020 and the Challan has already been presented in the Court and in view of the above-discussed facts and circumstances, the petitioner deserves the relief of regular bail.

6. Though, learned State counsel has not disputed the afore-referred factual position but he has opposed the prayer of the petitioner on the ground of gravity of the allegations levelled against him (petitioner).

7. Keeping in view the above-discussed factual position and also the fact that it has been mentioned in para 11 of the status-report that out of total 10 witnesses, only one witness has been partially examined in the trial Court meaning thereby that the trial of the case is likely to take sufficient time to conclude and without commenting or expressing any opinion on the merits of the case, the petitioner named Ashu Rathore is hereby ordered to be released on regular bail subject to his furnishing the requisite personal bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

The instant petition stands allowed accordingly.

17th September , 2021
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*