

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-22469-2020
Date of decision: 31.08.2021

Kunal @ Sesa**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Rakesh Nehra, Sr. Advocate with
Mr. Naveen Kaushik, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, filed under Section 439 Cr.P.C., is for grant of regular bail to petitioner in case FIR No. 566 dated 16.09.2018, registered under Sections 201, 302, 328, 34 of the IPC at Police Station Shivaji Colony, Rohtak, District Rohtak.

Learned senior counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Suresh Kumar, it is stated that his daughter Anju was married to petitioner Kunal @ Sesa in the year 2008 and two sons, namely Dhruv and Bhupesh, were born of the said wedlock. The petitioner was working in Haryana Roadways. The further allegations are that the petitioner, in conspiracy with his mother Sarita and father Lajpat Rai, has killed Anju by giving her some intoxicant substance and later on, she was strangled.

Learned senior counsel further submits that the petitioner is in

judicial custody for the last about 02 years and 10 months and all the three relevant witnesses, i.e. complainant Suresh Kumar, his wife Santra Devi and son Tarun Kumar have been examined as PW-1, PW-2 and PW-3, respectively, and all of them have stated that petitioner used to keep Anju nicely and she was suffering from depression and some mental disease and the petitioner was providing her medical treatment. It is also stated by all the aforesaid three PWs that Anju committed suicide due to depression.

A perusal of the statement of PW-1 to PW-3 shows that these witnesses were declared hostile by the public prosecutor and during cross-examination, they even denied to having made any complaint to the police.

Learned senior counsel further submits that co-accused of the petitioner, namely Seema, against whom there were allegations that she was in illicit relationship with the petitioner, has already been granted concession of regular bail by this Court, vide order dated 06.04.2021 passed in CRM-M-1424-2021.

Learned senior counsel further submits that in all, 09 prosecution witnesses have already been examined and two witnesses have been given up and it will take a long time in conclusion of trial.

Learned senior counsel lastly argues that petitioner has two minor sons, who are living with their mother, and the petitioner has to take care of their upbringing and education.

Learned State counsel could not dispute the statement made by PW-1 to PW-3 on oath before the trial Court. It is also not disputed that 02 witnesses have been given up and the statement of 09 prosecution witnesses have been recorded.

As per custody certificate, filed today in Court, the petitioner is

in judicial custody for the last 02 years, 10 months and 19 days and he is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

31.08.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No