

CRM-M-30119-2020

Date of Decision: 19.8.2021

Sohan Lal

..... Petitioner

Versus

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. R.S.Mamli, Advocate, for the petitioner.

Mr. Manish Bansal, Deputy Advocate General, Haryana.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.243 dated 17.12.2019 under Sections 306, 328 IPC registered at Police Station Bilaspur, District Yamuna Nagar.

It has been contended that the FIR in question was lodged by Angrejo Devi, the mother of the deceased-Anjali. As per the allegations, on 16.12.2019 at about 10:00 pm, the petitioner Sohan Lal was found lying under the cot in the house of the complainant. On the enquiry, he disclosed that he has entered their house as the deceased called him, but the deceased denied the same. It is alleged that the petitioner administered some poisonous substance to deceased, due to which she died. On the basis of these allegations, the FIR was lodged and charges were framed under Sections 306 and 328 IPC.

Learned counsel for the petitioner has contended that the allegations are totally false and frivolous. The petitioner, who is 23 years of age, has been roped in on the basis of concocted story. It is contended that on the basis of allegations, no offence under Sections 306 and 328 IPC is made out. He contends that the petitioner is behind bars since 20.12.2019 and custody is more than 1½ years. The trial would take long time in its conclusion, he asserted.

Learned State counsel opposes the contentions of learned counsel for the petitioner. However, he submits that out of 21 prosecution witnesses, 13 witnesses have been examined and all the material prosecution witnesses already stand examined.

Without commenting upon the merits of the case, I find it appropriate that the petitioner is behind bars since 20.12.2019 and the prosecution has examined all the material witnesses, so further incarceration of the petitioner is unwarranted. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

19.8.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No