

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

CRM No.M-36674 of 2021

Date of Decision: September 23, 2021

Munish Kumar

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

Ms.Ambika Luthra, Addl. Advocate General, Haryana
for the respondent-State.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the
light of COVID-19 pandemic.

The petitioner has filed this second petition under Section 439
Cr.P.C. for seeking regular bail in case FIR No.124 dated 19.11.2019 under
Sections 302 and 328 IPC, Police Station City Sadar Jagadhri, District
Yamuna Nagar.

Heard on the bail petition.

Background facts in nutshell are as follows:-

The aforesaid case was registered at the instance of Balwinder
Kumar, brother of Harjinder Kaur @ Simmi. Said Harjinder Kaur @ Simmi
(since deceased) got married to Munish Kumar @ Bablu on 29.12.1997 and

four children were born from their wedlock. As per the version of the complainant, on 18.11.2019, at around 8.30 p.m., he had received a call from Munish Kumar, thereby asking him to come to his place, as argument had taken place between him (Munish Kumar) and his wife Harjinder Kaur. After prevailing upon Munish Kumar and Harjinder Kaur, complainant had returned back to his house. On 19.11.2019, complainant had received a call from cousin of Munish Kumar, thereby asking him to visit the house of Harjinder Kaur, otherwise, the situation would be out of control. Thereafter, the complainant and various other persons had reached the house of Harjinder Kaur, where he came to know that his sister had died. As per the version of the complainant, Munish Kumar and his brother Kallu had killed his sister by administering some poisonous substance.

Now, it is submitted by learned counsel for the petitioner that in the present case, all the material witnesses have been examined. Out of 20 cited witnesses, 16 witnesses have already been examined. The complainant as well as his wife and two children of the deceased, have already been examined and they have not supported the prosecution version. The petitioner is in custody since 21.11.2019. As such, a prayer has been made for grant of bail.

On the other hand, learned State counsel has resisted the claim for bail. He submits that 4 witnesses are yet to be examined and even report of Chemical Examiner has been received, which reveals that sample tested positive for Aluminium Phosphide. However, she does not dispute the fact of examination of 16 witnesses out of 20 cited witnesses and also has not disputed about the complainant, his wife as well as two children of deceased, having not supported the prosecution version. However, she

submits that allegations against the petitioner are of grave nature.

May it be so, the fact remains that the petitioner was arrested on 21.11.2019. The challan was presented on 16.01.2020 and the charge was framed on 16.03.2020. Out of 20 cited witnesses, 16 witnesses have already been examined and material witnesses stand already examined. The copies of statements of Balwinder Kumar, who has been examined as PW-1 as well as his wife Karamjeet Kaur and copies of statements of children of deceased namely PW-5 Sonia and PW-6 Raman, have also been placed on record. The perusal of statements of aforesaid witnesses reveals that they have not supported the prosecution version. In the cross-examination, the children of the deceased have deposed that there was no dispute of kind between their parents, at any point of time. Also, it is coming forth in their cross-examination that deceased had wrongfully consumed expired medicine.

Considering the material witnesses, not having supported the prosecution version as well as duration of detention period and also the fact that conclusion of trial is likely to take time, due to pandemic situation, at this stage, without dilating further on merits of the case, this Court deem it appropriate to grant regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

September 23, 2021
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No