

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-34905-2020****Date of Decision: 06.01.2021**

Irfan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sanjay Verma, Advocate, for the petitioner.

Mr. Ramesh K. Ambavta, AAG, Haryana,
assisted by ASI Rattan Singh.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of regular bail in respect of a registered vide FIR No.344 dated 31.07.2018 at Police Station 17/18, Gurugram, under Sections 302, 34 IPC.
2. The complainant Banu, father of the deceased, made complaint that deceased Aaysha was married to accused Idrish in the year 2007 and for the last 4 years, accused Idrish and the deceased were residing together in a rented premises at village Sirhaul. Since Aaysha did not conceive any child, Idrish had married another lady namely Gulshan. He called his brother Irfan also to stay in the same premises. Deceased Aaysha had told the complainant that Idrish, Irfan and Gulshan used to torture her. Around 4 months ago, the complainant tried to talk to his daughter on phone, but

accused Idrish told that she is somewhere else. On 30.07.2018, around 9.30 P.M., one Pal (belonging to the village of complainant and resides at village Sirhaul) telephonically informed the complainant that his daughter Aaysha had been killed by Idrish, Irfan and Gulshan by strangulating and by stabbing her with a knife.

3. Learned counsel for the petitioner has submitted that it is a case based on circumstantial evidence inasmuch as the material witness namely Anek Pal, who is alleged to have furnished telephonic information to the complainant regarding death of his daughter, has resiled from his statement when he was examined during the proceedings of trial.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and the unnatural death took place in the house where he lives with his brother, the complicity of the petitioner is clearly evident and he cannot escape from his liability as regards the murder of his brother's wife. Learned State counsel has, however, not disputed the fact that the petitioner as on date has been behind bars since the last about 2 years and 5 months. Although, learned State counsel has feigned ignorance about the fact that PW Anek Pal has resiled, but the learned counsel for the petitioner has furnished a copy of the said statement on WhatsApp group.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner has been behind bars since the last about 2 years and 5 months and the material witness

namely Anek Pal has resiled and conclusion of trial is likely to take more time, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

06.01.2021

Vimal

(GURVINDER SINGH GILL)**JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**