

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1229-2022 (O&M)
Date of decision: 16.05.2022

Naseeb

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ramesh Hooda, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.117 dated 25.04.2019 under Sections 201 & 302 IPC, registered at Police Station Lakhan Majra, District Rohtak.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Babli, real sister of wife of the petitioner, namely Munesh, with the allegations that she was informed by her father Sheesh Ram that Navya, one month old daughter of petitioner, died due to drowning in the drum and her dead body was buried without information to the police. It is further submitted that now all the prosecution witnesses have been

examined and there is no possibility of tempering with the prosecution evidence or exercise any influence over the prosecution witnesses.

Learned counsel has referred to statement of complainant/PW1 Babli, in which she stated that on receiving the telephonic information from her father, she had gone to matrimonial home of her sister, where the police obtained her signatures on some blank papers and she do not know anything about the case. She was declared hostile. During cross-examination by Public Prosecutor, she even denied having made any statement to the police, on the basis of which, FIR was registered. Learned counsel has further referred to statement of PW6 Munesh, wife of the petitioner, who admitted that after the petitioner was arrested in this case, she performed marriage with one Bunti and on 03.04.2021, she was arrested by the police from the house of her first husband i.e. petitioner. In cross-examination, a suggestion was given by learned defence counsel that she was not willing to stay with the petitioner, as it was not an appropriate match and in order to get rid of the same, she concocted a story of killing the minor daughter though she accidentally slipped into the water tank and died. It is further submitted that entire prosecution evidence stands concluded and the case is now fixed for recording the defence evidence, therefore, considering long custody of the petitioner i.e. about 03 years, he may be granted the concession of regular bail in order to lead the defence evidence effectively.

Learned State counsel has filed the custody certificate in the Court today and on the basis of reply by way of affidavit of Additional Superintendent

of Police, Meham, District Rohtak, has not disputed the factual position. In this affidavit, after verifying contents of the FIR and the investigation conducted so far, it is stated that as per FSL report, deceased died due to drowning in a water drum. It is not disputed that prosecution evidence stands concluded and the complainant has not supported the prosecution version.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

16.05.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No