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

CRM-M-4404 of 2021(O&M)
Date of Decision: 01.12.2022

Om Parkash

…**Petitioner**

Versus

State of Haryana

…**Respondent**

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Naresh Kumar Ganga, Advocate
For the petitioner.

Mr. Naveen Kumar Sheoran, DAG Haryana.

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KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 93 dated 27.08.2019, registered under Sections 346, 302, 201, 394, 457, 380, 120-B, 34, 336, 420 and 411 IPC and Sections 15(2) & 15(3) of Indian medical Council Act at Police Station Odhan, District Sirsa.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The counsel for the petitioner further submits that the present case is relating to death of Kamla, who went missing and her dead body was not recovered. The counsel for the petitioner further submits that the entire case is based on circumstantial evidence and already the material witnesses have been examined and the petitioner is behind the bars for the last more than 03 years and 03 months and is having no criminal history. So, prayer is made that petitioner be granted regular bail.

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The present petition is contested by the State counsel who submits that the petitioner is facing charges of murdering Kamla. However, the State counsel has not disputed the fact that the present case is based on circumstantial evidence and that the dead body of Kamla was not recovered and that the petitioner is in custody for the last more than 03 years and 03 months.

I have considered the submissions made by counsel for the parties.

The petitioner was named in the FIR as per which Kamla who owned 10 *kanals* of land and was having Rs.15 lakhs in cash was living all alone and the petitioner was taking care of her properties. That about 10-12 days back the petitioner took away Kamla on his motor cycle to some unknown place and thereafter she never returned.

The entire case is based on circumstantial evidence and as per the report submitted by the trial Court material witnesses Harbhagwan (complainant), Sita Ram and one another witness Rattan Lal have been examined during the trial while PWs Subhash, Navdeep and Darshna Devi are given up while material witness Brij Lal has died. As per the custody certificate furnished by the State counsel the custody period of the petitioner comes out to be more than 03 years and 03 months. It will take considerable time for the trial to conclude as out of total 22 witnesses, 07 have been examined and 04 witnesses are given up. There is no apprehension that if released on bail the petitioner is going to influence the complainant and other material witnesses, as they have already been examined. So, this Court

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is of the view that no purpose is going to be served by keeping the petitioner in custody for any longer period.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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