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

**CRM-18873 of 2022 in/and
CRM-M-8808 OF 2021
DATE OF DECISION : 19.05.2022**

Rajesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sahil Gupta, Advocate,
For the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

CRM-18873-2022

For the reasons stated in the application, same is allowed and documents contained at Annexures P-5 to P-7 are taken on record, subject to all just exceptions.

MAIN CASE

This is second foray of the petitioner before this Court, seeking regular bail in FIR No.488 dated 27.09.2019 registered under Sections 302/201/34 IPC (Section 34 IPC added later on) at Police Station HTM Hisar, District Hisar as the earlier one was dismissed as withdrawn on 02.09.2020.

2. Per FIR, on 27.09.2019 at about 5.30 am, complainant Jai Bhagwan was going home from Sector-4, Hisar to Rajpur road. He saw a bundle lying on the road and when he had a closer look, he found that

blood was flowing out of the same. It turned out to be dead body of a lady. He informed the concerned police station and on the basis of his statement, FIR was registered. Till 28.09.2019, there was no clue about the identity of deceased. On 01.10.2019, Rahul son of the deceased and one relative Tasaur Ansari came and identified the deceased as Khushbu. During investigation, accused/petitioner Rajesh Kumar was produced by his father-in-law Brij Lal. After investigation, he was arrested. The accused made disclosure statement on the basis of which footwear of the deceased was recovered from the place of commission of offence. Also were recovered, two tablets of leftover Sulphas in the medicine box from the place of occurrence.

3. Petitioner was arrested on 06.10.2019 and since then he is in custody.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the case. He was not named in the FIR rather the FIR was registered against some unknown person as per the own statement of complainant. No independent/eye witness was joined by the police. He further contends that as per disclosure statement, the petitioner strangled the deceased and later gave her sulphas tablets. However, as per the inquest report, cause of death is due to injuries as blood was oozing out from mouth and nose. Challan has already been presented and the case is now at the stage of recording of prosecution witnesses. He further submits that there are total 17 witnesses and conclusion of trial will take long time and no useful purpose would be served by keeping the petitioner behind the bars.

5. Per contra, learned State counsel, on instructions from SI Kulbir Singh, submits that there are total 17 witnesses, out of which 09

have already been examined, 05 have been given up by the prosecution and 03 are left to be examined. He further contends that offence against the petitioner is serious in nature.

6. I have heard the rival contentions of the respective learned counsels.

7. Given the serious nature of allegations and the heinousness of crime, I am not inclined to grant bail at this stage. Bail petition is accordingly dismissed. However, the petitioner is at liberty to approach the learned trial Court after the completion of recording of prosecution testimony and the Court below shall be at liberty to entertain the petition for grant of bail, if moved, and pass fresh orders, as it may deem fit.

19.05.2022
Vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No