

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

**CRM-M-16431-2021
Date of decision-16.05.2022**

Kulvinder Singh @ Kala Singh	Vs.	Petitioner
State of Haryana		...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.S. Mamli, Advocate for the petitioner.
Mr. Anmol Malik, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.0399 dated 07.12.2019 registered under Sections 302 and 323 of Indian Penal Code, 1860 at Police Station Sadar Ratia, District Fatehabad. The petitioner is in custody since his arrest on 11.12.2019.

The above FIR was registered on the basis of statement of Kuldeep Singh, who alleged that his sister Sunita Rani was married with Babu Lal and had four daughters. Mona and Preeti are married in village Bhudadwas. Preeti was married with Kala Singh, seven years back and was having one daughter, namely Jasmeet @ Gugni (6 years) and one son, namely Kamal (2 years). On 07.12.2019, he got an information that Preeti and her husband with their children were going to meet Sunita Rani on motorcycle bearing registration No.HR- 23C-8866 and they met with an

accident, resulting in death of Preeti and her children. When complainant went to the Medical College, Agroha, Hisar, he came to know that Jasmeet @ Gugni died and Kala Singh was unable to speak because of injury. According to the complainant, when he saw the dead bodies, it was suspected that some unknown persons have given injuries and murdered them.

Learned counsel for the petitioner has argued that the petitioner lost his wife and children in an unfortunate accident and the nature of injuries as well as postmortem report suggest that indeed it was a vehicular accident, therefore, the prosecution has falsely implicated the petitioner by alleging the death of his wife and children as homicidal. He has argued that as per prosecution case itself, the petitioner was driving the motorcycle and in the said occurrence, he also suffered injuries, therefore, it cannot be believed that the petitioner planned to commit murder of his wife and children in this manner by putting his own life at risk. According to him, the relations of the petitioner with his wife were cordial, as no complaint whatsoever was ever made by her or any of her other relatives. He prays that the petitioner be released on bail during the pendency of the trial.

On the other hand, learned State counsel assisted by Sub Inspector Mohinder Singh does not dispute this fact that as per prosecution, the petitioner was driving the motorcycle and injuries were also suffered by him. According to him, after framing of charges on 12.07.2021, out of total 25 prosecution witnesses, only 5 witnesses have been examined.

After hearing the learned counsel for the parties, this Court finds that the trial is progressing at a slow pace and admittedly, the petitioner is presently confined in judicial custody since 11.12.2019, therefore, his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

16.05.2021

geeta

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No