

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-24757-2021

Date of Decision: 18.7.2022

Monu

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Surender Saini, Advocate
for the petitioner.
Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.100 dated 6.3.2019 registered for the offences punishable under Sections 120-B, 302, 201 read with Section 34 IPC at Police Station City Gohana.

Counsel for the petitioner submits that initially, FIR in this case was registered on the basis of the statement of co-accused Babita with regard to missing of her husband Ramesh; that later on, the dead body of Ramesh was recovered and on this, aforesaid Babita was nominated as accused. He further submits that thereafter, the petitioner was also nominated as accused on the basis of the alleged disclosure of Babita who has already been granted regular bail. Counsel for the petitioner contends that one another co-accused Sagar has also been granted bail. He further contends that the petitioner is in custody for the last more than 3 years and as such, prayer is made for grant of regular bail to him.

Present petition has been opposed by the State counsel who submitted that as per allegations appearing on the record, Babita and petitioner along with other accused committed murder of Ramesh and

thereafter, they disposed of his dead body. However, State counsel on instructions from ASI Mahinder has not disputed the fact that co-accused Babita and Sagar have already been granted regular bail and that the trial is going on.

Admittedly, FIR in this case was registered with regard to missing of Ramesh husband of Babita and thereafter, the dead body of Ramesh was recovered and consequently, Babita was nominated as accused and during further investigation, Babita disclosed about the involvement of the present petitioner and other accused and consequently, the present petitioner was arrested. As per custody certificate furnished by the State counsel, the petitioner is in custody for the last more than 3 years and is not involved in any other criminal case. Admittedly, co-accused Sagar and Babita have already been granted regular bail vide orders Annexures P-6 and P-7 respectively.

It will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, 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

July 18, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No