

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23443-2022(O&M)

DATE OF DECISION: JUNE 1, 2022

VINOD

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. ASHIT MALIK, ADVOCATE FOR THE PETITIONER.
MR. ANMOL MALIK, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.404 dated 14.10.2016, under Section 120-B, 201, 302 IPC, Police Station Murthal, District Sonipat, who is in custody since his arrest on 7.5.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Sonipat in the order dated 18.5.2022, are as under:-

“The brief facts of the prosecution case are that the police reached the house of deceased Randhir where he found his wife who got recorded her statement that her husband was a potter and her husband had set up the utensils of earth outside the firni of the village. He had gone to take care of the utensils at about 11.00 P.M. during the night of 13.10.2016. She and her mother-in-law had gone to their respective beds after bolting the door. When she woke up at about 4.00 A.M. she found her husband lying in front of the kitchen. There were marks of injuries on his head, mouth and waist from sharp edged weapon and he was bleeding from his head. Some unknown person had murdered him with a sharp edged

weapon.”

Learned counsel for the petitioner has argued that as per allegations, complainant Santosh had informed the police that her husband was found dead in the morning outside the kitchen in their house and subsequently, after investigation, the said complainant was indicted as an accused alongwith Vinod (nephew of Santosh) and his friend Satish. Learned counsel has drawn the attention of the Court to the depositions of the material witnesses including mother of the victim to contend that they have not supported the prosecution case. He prays for bail.

On the other hand, learned State counsel assisted by SI Krishan has fairly stated that case of the prosecution is based on circumstantial evidence and that the mother and daughter of victim Randhir have been examined.

Considering the above background, the custody of the petitioner, and the fact that material witnesses have already been examined, the further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

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

The petition is allowed.

June 1, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No