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

Date of Decision: 11.05.2022

1. CRM-M No.33248 of 2021(O&M)

GeetaPetitioner

Vs

State of PunjabRespondent

2. CRM-M No.1577 of 2021(O&M)

Harinder Singh @ HarryPetitioner

Vs

State of PunjabRespondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. C.S. Rana, Advocate
for the petitioner in CRM-M No.33248 of 2021.

Mr. Charanpreet Singh, Advocate
for the petitioner in CRM-M No.1577 of 2021

Mr. C.L. Pawar, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, CRM-M No.33248 of 2021
titled Geeta Vs. State of Punjab and CRM-M No.1577 of 2021
titled Harinder Singh @ Harry Vs. State of Punjab are being

disposed of. Since both the petitions have arisen from same FIR, therefore, common facts are being taken.

Petitioner Geeta in her second attempt and petitioner Harinder Singh @ Harry in his first attempt seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0015 dated 17.01.2017 registered under Sections 365, 302, 328, 201, 34 IPC and Section 21 of the NDPS Act at Police Station City Jagraon, District Ludhiana.

The allegations are that the FIR was registered on the basis of statement of Rajeev Goyal to the effect that his son left the house on 15.01.2017 on his motorcycle for watching movie, but till 10:30 PM, he did not return. His mobile was found to be switched off. The FIR was lodged on the basis of suspicion under Section 365 IPC against unknown persons. On 19.01.2017, the complainant got his supplementary statement recorded to the effect that he came to know about the petitioner Geeta and her accomplices of administering some intoxicant poisonous substance to his son and destroyed the evidence. On the basis of supplementary statement, offences under Sections 302, 328, 201, 34 IPC and Section 21 of the NDPS were added in the FIR. On 19.01.2017 itself, the police raided the house of Geeta in the presence of Karamjit Singh, Sarpanch and broke up the lock. A semi burnt dead body of Harsh Goyal was found

under the sand, over which, unburnt woodens were lying.

The extra judicial confessions of the accused were recorded before PW-2 Karamjit Singh, Sarpanch and as per their confessions, petitioner along with Pavittar Singh @ Bittu and Harinder Singh @ Harry went to the house of the Sarpanch and Geeta disclosed to him that on 15.01.2017, Harsh Goyal came to her house along with Harinder Singh @ Harry and they used to take intoxicant from her and at that time, Harry was having intoxicant powder and he administered the injection to Harsh Goyal. Harsh Goyal again asked for injection, but Harry stated that he has no other intoxicant.

There are allegations that after administering the injection to Harsh Goyal, he was burnt in order to destroy his dead body and dead body was found in the house of Geeta.

As per prosecution case, Pavittar Singh was the alleged supplier and also present at the time of commission of offence. He was granted bail by the Court of Additional Sessions Judge, Ludhiana vide order dated 05.04.2017 on the ground that he was nominated on the basis of statement of co-accused Geeta. The alleged purchase of intoxicant from Pavittar Singh would remain debatable. The custody of Pavittar Singh since 26.01.2017 was also one of the ground to grant bail to him.

Learned counsel for the petitioner Geeta submits that Nirmal Kumar who had followed the deceased to the place of Geeta has not supported the case of prosecution and his cross-examination has not yielded any incriminating material. Learned counsel further submits that total custody of Geeta is 5 years and 4 months. Learned counsel for Harinder Singh @ Harry submits that total custody of Harinder Singh @ Harry is 4 years as on date. Out of total 19 prosecution witnesses, only 9 witnesses have been examined so far and the trial of the case would definitely take long time in its culmination.

Learned State counsel, however, opposed the bail on the ground that the cause of death is Asphyxia and Burns and it shows that the deceased was alive and he died only on account of Asphyxia and Burns and this a cruel act on the part of the petitioners.

Looking to the custody of the petitioners and other attending circumstances of the case, at this stage, without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioners on regular bail.

In view of above, both the petitions are allowed. Petitioners are ordered to be released on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

11.05.2022	(RAJ MOHAN SINGH)
Prince	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No