

PARVEEN

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Yogesh Goel, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Parveen-petitioner is seeking regular bail in the case bearing FIR No.213 dated 12.07.2020, under Section 346 IPC later on added under Sections 302/201/34/120-B/107/109/203 IPC, registered at Police Station Sadar Jhajjar, District Jhajjar.

Briefly, the FIR has been registered at the instance of Naresh alleging that his marriage was solemnized with Geeta-deceased in the year 1993. She went missing 5 to 6 times on the earlier occasions and had been returning back after 2-4 days. On 29.06.2020, she again went missing and could not be traced out.

Learned counsel for the petitioner contends that subsequent to the registration of the FIR, the statement of the Mukesh, the brother of the deceased was recorded who suspected that the petitioner who is the son of the deceased has committed the murder. Even, the husband of the deceased on whose statement the

FIR was registered was also nominated as an accused and he has been granted bail by the Court of Sessions. There is no direct evidence in the instant case. The case of the prosecution hinges on weak circumstantial evidence. The arrest of the petitioner was effected on 12.07.2020 and is in custody for a period exceeding 02 years. The petitioner is not involved in any other case. Even, the witnesses are not turning up to depose in the trial Court despite issuance ofailable warrants as well as the notices under Section 350 Cr.P.C. So far, no witness has been examined in the trial Court.

The bail application has been resisted by the learned State counsel on the score that the petitioner has been nominated in the statement of Mukesh, the brother of the deceased. The dead body and blood stained axe have been recovered in pursuance of the disclosure statement of the petitioner.

It has not been disputed that even, in the statement of Mukesh, the brother of the deceased, it was mentioned that he was suspecting the petitioner to have committed the murder of the deceased. The case of the prosecution hinges upon circumstantial evidence. The petitioner is in custody for a period of more than 02 years. Out of 25, no witness has been examined till date. Although, warrants and notices under Section 350 Cr.P.C are being issued to the witnesses but it cannot be termed to be a circumstance to further incarcerate the petitioner. The genuineness of the allegations against the petitioner is to be adjudicated during the course of trial. The circumstances emerging against the petitioner are recovery of dead body and blood stained axe at his instance.

Keeping in view, the period of incarceration and other circumstances appearing on record, sufficient grounds are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant

furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

28.07.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No