

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(227)

CRM-M-35555-2022

Date of decision: - 05.09.2022

Dinesh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. R.K. Doon, Advocate, for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.241 dated 06.12.2020, under Sections 302 and 450 of the Indian Penal Code, 1860, registered at Police Station City Narwana.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 16.12.2020 and there are total 24 prosecution witnesses, out of which, 17 witnesses are yet to be examined, thus, the trial is likely to take time although, the material witnesses have been examined and have not supported the case of the prosecution. It is submitted that in the present case, there was no eye witness and the present FIR was registered on the statement of one Satvinder Singh who stated that when he came back home, he found that his wife was dead and had stated that some unknown person had committed the murder of his wife. It is submitted that the said complainant has been examined as PW-

2 (Annexure P-3) and he has not supported the case of the prosecution. Even PW-1 Manbir Singh as well as PW-6 Sonika @ Sonu, who are both stated to be the neighbours, have also not supported the case of the prosecution. It is stated that PW-5 Amandeep Nain, who is the son of the deceased, has also turned hostile and has thus, submitted that there is no material/evidence to connect the present petition with the crime in question. The petitioner is stated to be not involved in the said case or in any other case.

Learned State counsel on the other hand has opposed the present petition for regular bail and has submitted that as per the FIR, one motorcycle was found outside the house of the complainant and the said motorcycle belongs to the present petitioner. The other factual aspects however, have not been disputed by learned State counsel.

Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner is not the registered owner of the said motorcycle as the registered owner of the said motorcycle is one Bhim Singh.

This Court has heard learned counsel for the parties and has gone through the paper-book.

The petitioner has been in custody since 16.12.2020 and there are total 24 prosecution witnesses, out of which, 17 witnesses are yet to be examined, thus, the trial is likely to take time and the material witnesses have been examined and they have not supported the case of the prosecution. The FIR in the present case was registered on the statement of Satvinder Singh on the allegation that when he returned home, he found his wife laying dead and was bleeding from her mouth

and ear and the FIR was registered against unknown person. It is stated by the said Satvinder Singh that one motorcycle was parked near the house. The said Satvinder Singh, who is the complainant in the present case, has been examined as PW-2 and has not supported the case of the prosecution. Even PW-5 Amandeep Nain, who is stated to be the son of the deceased, in his evidence, has not supported the case of the prosecution. Further, PW-1 Manbir Singh and PW-6 Sonika @ Sonu, who are the neighbours, have also not supported the case of the prosecution. The petitioner is stated to be not involved in any other case.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

September 05, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No