

CRM-M-45576-2021

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

CRM-M-45576-2021

Date of decision: 14.10.2022

Kuldeep

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rakesh Nehra, Sr. Advocate with
Mr. Chirag Kundu and Mr. Ankit Yadav, Advocates,
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case
FIR No.243 dated 20.06.2020, registered at Police Station Sampla, District
Rohtak, under Sections 302, 201 and 34 IPC.

Learned Senior Counsel for the petitioner contends that the
petitioner has falsely been implicated in the present case; that there is no
eye-witness of the alleged occurrence, and that the petitioner has been in
custody since 21.06.2020. He further contends that witnesses already
bound down for 19.09.2022, did not appear before the trial Court and
accordingly, they have been summoned throughailable warrants in the
sum of Rs.5,000/- each with one surety in the like amount, for 09.01.2023.

Learned Senior Counsel further contends that even otherwise,
that the petitioner alongwith his two young children was living in his

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house, and that deceased-Suman had been working as a domestic help in the house of the petitioner for the last five/six years. He further contends that as per the FSL report dated 22.06.2020 (Annexure P-2), there were as many as 09 bangles in the left wrist of the deceased, but as per the post-mortem report, the same were only 04 in her left wrist. The alleged recovery of bangles from the house of the petitioner, was planted one.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner alongwith co-accused Manoj @ Monu had actively participated in the crime and committed the murder of Suman, by strangulation, with *Parna* (a piece of cloth). He further contends that the said *Parna* had been recovered from the co-accused and as per the report of R/FSL, saliva was detected on the aforesaid *Parna*. However, he does not dispute the fact that out of 21 prosecution witness, only 01 formal witness has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 21.06.2020. Out of 21 prosecution witness, only 01 witness has been examined so far. The witnesses already bound down for 19.09.2022, did not appear before the trial Court and accordingly, they have been summoned through bailable warrants for 09.01.2023. Trial is unlikely to conclude any time soon. There is no one in the family to look after and take care of two minor children of the petitioner. Therefore, no useful purpose would be served by keeping the him behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is

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allowed and the petitioner is ordered to be released on bail on his
furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

14.10.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No