

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(219)

CRM-M-48379-2021 (O&M)

Date of decision:- 16.05.2022

Saheed @ Sadhu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. M.D.Khan, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of post-arrest bail in case FIR No.54 dated 23.02.2021, registered for offence under Section 346 of the Indian Penal Code, 1860 (Sections 328, 342 and 366, IPC were added and Section 346, IPC was deleted later on), at Police Station City, Safidon, District Jind, Annexure P-1.

Version of the prosecution is that FIR, Annexure P-1, has been registered on the complaint of Himanshu on the allegation that his mother went to the market to buy medicines on 23.02.2021 at 11:00 A.M. but she did not return and her whereabouts are not known.

Counsel for the petitioner submits that the petitioner has been falsely framed. Counsel submits that the victim, who was subsequently recovered from the Court premises, has not named the petitioner either in her statement under Section 164, Cr.P.C. nor in her testimony before the Court. Still further, he submits that despite the fact that the prosecution is in possession CCTV footage and the victim was seen going alone. By referring to the FSL report, it is argued that no poisons/drugs could be detected. Counsel asserts that the petitioner, who has clean antecedents and

is in custody since 14.04.2021, deserves to be enlarged on bail as the victim and other material witnesses have been examined.

Per contra, learned State counsel, upon instructions from ASI, Kishori Lal, has opposed the petition and has submitted that keeping in view the seriousness of the allegations levelled against the petitioner, he does not deserve the concession of bail. She has made a reference to the status report filed by way of an affidavit of Deputy Superintendent of Police, Safidon, District Jind, which is taken on record,

Having considered the submissions made by counsel for the parties, this Court is of the view that complicity of the petitioner in the offence would remain controvertible and the petitioner, who is in custody for the last more than one year, deserves to be released on bail as there is a remote possibility of an early conclusion of the trial.

Without adverting to the arguments addressed by counsel for the parties, petition is allowed.

The petitioner is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

16.05.2022

Kamal

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No