

CRM-M-5005-2023 -1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(216) CRM-M-5005-2023
Date of decision:- 24.07.2023

Anand Kumar ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ankit Chahal, Advocate
for the petitioner.

Mr. Munish Sharma, DAG, Haryana
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C.
seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
31	27.04.2019	Mansa Devi Complex, District Panchkula	302 and 201, IPC (later on Sections 120-B and 465, IPC were added)

2. FIR has been registered when a half burnt dead body of a woman, was found near a liquor vend in Sector 5-B, Mansa Devi Complex, Panchkula.

3. Counsel for the petitioner contends that during investigation, it was found that the deceased was Arti, who allegedly was in a physical

relationship with Anand, present petitioner, and was pregnant from him. Counsel submits that except for the disclosure statement of the petitioner and his brother, Azad Kumar, both of which have been recorded in police custody, there is no incriminating material against the petitioner. He submits that the deceased was married and staying separately at her parental home since 2015-16 due to an estrangement with her husband and was in litigation with him. Counsel submits that both the mother of the deceased as well as her husband, have been examined. He asserts that the petitioner is in custody since 07.05.2019 deserves to be enlarged on bail as the prosecution has examined all the material witnesses, but in their testimony, they have not ascribed any role to the petitioner.

4. Per Contra, learned State counsel, upon instructions, has opposed the petition and has submitted that the petitioner in connivance with his brother, Azad Kumar, had strangled the deceased and burnt her. By referring to the reply filed on behalf of the respondent, he submits that DNA profile of the fetus of the deceased, has matched with that of the petitioner. Still further, as per his instructions, 09 out of 25 prosecution witnesses have been examined.

5. Having heard counsel for the parties, this Court is *prima facie* of the view that the complicity of the petitioner in the homicide, would remain a subject matter of debate before the trial court. Petitioner, who is in custody for the last more than 50 months, would be entitled to be released on bail as the trial is likely to take time to conclude since the prosecution has to examine 16 more witnesses.

6. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.
7. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

24.07.2023
Kamal

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