

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-6263-2023

Date of Decision: May 19, 2023

ROHTASH Petitioner
Versus
STATE OF HARYANA Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Diwan S. Adlakha, Advocate for the petitioner.
Mr. Gaurav Bansal, D.A.G., Haryana.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of bail in case FIR No.285 dated 31.07.2019 registered under Sections 302 of IPC and Section 25 of Arms Act, 1959(Sections 120-B and 34 IPC are deleted) at P.S. Matlauda, District Panipat.
2. In the present case, the allegations against the petitioner are of having murdered his wife namely Suman by inflicting injuries upon her person with sword.
3. Learned counsel for the petitioner submits that the petitioner is behind the bars for a period of about 3 years & 10 months whereas the trial is likely to take some time and therefore there is no reason to extend his incarceration any further.
4. On the other hand, while referring to the manner in which the offence has been committed and the petitioner murdered his wife, that too in their house only, learned State counsel opposes the prayer made herein.

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5. I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made on behalf of the petitioner.

6. In the present case, investigation already stands concluded with the filing of challan followed by framing of charges and the petitioner has already suffered incarceration for a period of about three years and ten months and still the trial has not concluded as out of 14 witnesses only 7 have been examined so far, besides it learned counsel for the petitioner also points out that his finger prints over the weapon of offence recovered have not been got matched as nothing of this sort was ever sent to FSL. Considering the aforesaid, I find no justified reason to extend the incarceration of the petitioner.

7. In view of the above, without commenting upon merits of the present petition, the same is allowed. Petitioner is ordered to be released on bail subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

8. However, nothing stated herein shall be construed as opinion on the merits of the present case.

19.05.2023

tejwinder

(HARKESH MANUJA)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>