

CRM-M-5606-2023

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

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Date of decision: 08.02.2023

Amit

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rajesh Bansal, Advocate,
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

Mr. Pardeep Panwar, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this fifth petition, the petitioner seeks regular bail in case bearing FIR No.708 dated 02.08.2018, registered at Police Station Model Town, District Panipat, under Section 346 IPC and Sections 201, 302, 34 and 379-B IPC (added later on).

As per the prosecution version, husband of the complainant was murdered and his dead body was thrown in a canal and the assailants had fled the spot alongwith his car.

Learned counsel for the petitioner submits that a totally false and fabricated case has been planted upon the petitioner; that the above-noted FIR was registered on the basis of circumstantial evidence; that none of the accused was named in the FIR, and that the petitioner has been in custody since 20.08.2018. Learned counsel further submits that similarly

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situated co-accused, namely, Vinod has since been granted the concession of regular bail by a Coordinate Bench, vide order dated 24.01.2023 passed in CRM-M-36128-2022, and that out of 20 prosecution witnesses, only 08 witnesses have been examined. So far as other cases pending against the petitioner are concerned, the same were registered after his arrest in the present case and he has been released on bail therein.

On the other hand, learned State counsel and the learned counsel for the complainant, submit that there are serious allegations against the petitioner and the co-accused that they had committed the murder of the husband of the complainant and after throwing his dead body in the canal, they had fled the spot alongwith his (deceased) car. It is further submitted that registration certificate of the car had been recovered from the petitioner, and that as many as four other cases have been registered or pending against the petitioner.

I have heard the learned counsel for the parties.

It is a case resting on the circumstantial evidence. None of the accused was named in the FIR. As stated above, similarly situated co-accused has since been granted the concession of regular bail. So far as other cases pending against the petitioner are concerned, the same were registered after his arrest in the present case.

The petitioner has been in custody since 20.08.2018. As many as 12 prosecution witnesses are yet to be examined. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the

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merits, lest it should prejudice the case of either side, the present petition is 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.

08.02.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No