

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

CRM-M No.6937 of 2023

Date of decision: 14th February, 2023

Subash @ Basu @ Rahul

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Chander Pal Tiwana, Advocate for the petitioner.

Mr. Rahul Mohan, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (O&M)

Petitioner in the instant petition has sought concession of regular bail in case bearing FIR No.149 dated 04.11.2019 under Sections 302, 201, 120-B IPC (Section 120-B IPC added later on) registered at Police Station Titram, District Kaithal.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand on a mere suspicion. He submits that in fact, the petitioner had no role to play in the crime in question. Learned counsel also submits that while stepping into the witness box, the complainant did not support the case of the prosecution, as a result of which he was declared hostile. Learned counsel further submits that in the circumstances, further incarceration

of the petitioner would serve no useful purpose as he has now been in custody since 05.11.2019.

Per contra, learned State counsel on instructions from SI Dharampal has vehemently opposed the prayer and submissions made by the counsel opposite. He submits that it was a case of circumstantial evidence and at the very first instance when the FIR in question was registered at the instance of brother of the deceased, he had raised suspicion qua involvement of the petitioner in the crime in question. It has been further submitted by the learned State counsel that the motive behind committing murder of the deceased was the illicit relationship of wife of the deceased with the petitioner. It has still further been submitted that recovery of the weapon of offence i.e. blood stained knife, with which the deceased was done to death, was effected from the petitioner. Learned State counsel further submits that the trial would not take time to conclude as 6 prosecution witnesses out of the 26 cited, already stand examined and 4 witnesses have been summoned for 28.02.2023.

I have heard learned counsel for the parties and perused the relevant material on record.

Prima facie there are serious and specific allegations against the petitioner of having committed the murder of the deceased with a knife. The recovery of the weapon of offence i.e. knife was also effected from the petitioner. As apprised by the learned State counsel, trial would not take much time to conclude as all material witnesses

stand examined and only formal witnesses remain to be examined. In the circumstances as enumerated hereinabove, this Court thus, is not inclined to extend the concession of bail to the petitioner. The petition accordingly stands dismissed. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

As the petitioner has been in custody since 05.11.2019, the trial Court shall make earnest efforts to conclude the trial expeditiously, preferably within four months from the date of this order.

(MANJARI NEHRU KAUL)
JUDGE

February 14, 2023

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No