

Parvinder... Petitioner

Versus

State of Haryana.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Mudit Johar, Advocate for
Mr.Abhimanyu Singh, Advocate
for the petitioner.

Mr.Munish Sharma, DAG, Haryana.

SUVIR SEHGAL, J. (ORAL)

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

FIR No.	Dated	Police Station	Sections
322	29.10.2019	Sadar, Jhajjar, District Jhajjar	346, 364, 302, 201, 34 IPC

2. Case of the prosecution is that FIR has been registered on the statement of Bhagwati, wife of Shamsher Singh, deceased, on the allegations that her husband left the matrimonial home in the morning on 28.10.2019 without informing any family member and in the evening when she

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contacted him on phone, he told her that he is with Parvinder (present petitioner). Thereafter, as he could not be located, she lodged the complaint.

3. Counsel for the petitioner submits that dead body of Shamsher Singh was recovered two days later. He submits that the petitioner has been implicated as he was allegedly with the deceased before he was murdered. He urges that the prosecution does not possess any clinching material to link the petitioner with the homicide of Shamsher Singh. He contends that although in her testimony, the complainant has accused the petitioner of murdering her husband, but there are inconsistencies in her cross-examination. By referring to the deposition of HC Sunil Kumar, PW6, which has been recorded on 15.03.2023 after the previous petitions were rejected, counsel submits that the demarcation of the place of occurrence was done by co-accused Sandesh and not by the petitioner. He submits that the petitioner, who otherwise has a clean past and is in custody since 03.11.2019 deserves to be enlarged on bail as the trial is not likely to conclude in the near future.

4. *Per contra*, upon instructions from ASI Ravinder and by making a reference to the status report, State counsel submits that the petitioner is a property dealer and he had a dispute with the deceased. He submits that by using the mobile phone of a stranger, petitioner called the deceased, strangled him, and disposed off his body in a canal. He submits that the vehicle used in the crime which has been recovered and it belongs to the petitioner. As per his instructions, co-accused Sandesh restrained the deceased while the petitioner strangled him. He asserts that the

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prosecution possesses sufficient material to nail the accused. As per the status report, 13 out of 38 prosecution witnesses have been examined.

5. I have heard counsel for the parties and considered their respective submissions.

6. Petitioner is in custody for the last more than 49 months and the prosecution has yet to examine more than half of the witnesses. There is a remote possibility of an early conclusion of the trial. The complicity of the petitioner in the crime and role ascribed to him would be adjudicated by the trial Court on the basis of ocular and documentary evidence adduced by the prosecution and does not require any comment by this Court. In view of the long detention of the petitioner and the stage of trial, this Court is inclined to accept the prayer made in the petition.

7. 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 Trial Court/Duty Magistrate, concerned.

8. 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

16.12.2023
Brij

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