

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15072-2023

Date of Decision:04.08.2023

Naseeb

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. S.K.Verma, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.352 dated 28.11.2021 registered under Sections 201, 214, 302 and 34 of IPC at Police Station Julana, District Jind.

The FIR in the present case was registered on the basis of the statement made by Navdeep son of Surender, who alleged that on 20.11.2021, his mother Nanhi Devi had expired and had suffered multiple injuries. They had kept the photographs of the dead body with them. They were under the bona-fide impression that the injuries must have been received by falling on the surface and his mother was cremated without conducting the post-mortem and without supplying any information to the police. Later on, they made inquiry at their own level and came to know that Poonam wife of Parveen had illicit relations with Naseeb and one another boy. As per the complainant, on 20.11.2021 Naseeb and one unknown boy came to the house of Parveen (son of

deceased) and Nanhi Devi (since deceased) had also gone to the house of her son Parveen. At that time, Parveen had consumed liquor. Naseeb, his friend and Poonam wife of Parveen caused multiple injuries to Nanhi Devi and killed her. Broadly with these allegations, the FIR in the present case was registered against the present petitioner and others.

Learned counsel for the petitioner contends that there is nothing on record to show that the death of Nanhi Devi was homicidal in nature and the complicity of the petitioner cannot be even remotely inferred. Learned counsel further contends that only on the basis of the suspicion, the present petitioner has been involved in the present FIR, which was registered after 8 days of the alleged occurrence. Learned counsel further contends that no recovery has been effected from the present petitioner, which could connect him with the commission of crime in any manner. He further contends that the petitioner was arrested in the present case on 30.11.2021 and only three witnesses, out of total 17 witnesses, have been examined so far and now the next date of hearing is fixed on 29.08.2023. He thus contends that the conclusion of the trial will take a long time.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is specifically named in the present FIR and he is one of the accused, who had caused multiple injuries to the deceased and she succumbed to the said injuries.

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

From the record, it is apparent that there is no post-mortem report in the present case to ascertain the cause of death. Even no recovery has been effected from the present petitioner and he is languishing in jail since 30.11.2021. Apart from that, the petitioner is the first offender and there is no other evidence against him to connect with the crime.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

04.08.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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