

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**210**

CRM-M-25023-2023

Date of Decision: 20.09.2023

Bulla @ Voola

.... Petitioner

Versus

State of Haryana

.... Respondent

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Mohak Arora, Advocate for  
Mr. Manish Soni, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

**NIDHI GUPTA, J. (ORAL)**

The petitioner has filed the present 1<sup>st</sup> petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 14 dated 25.01.2020 registered under Sections 365, 452 and 506 read with Section 34 IPC (Sections 302 and 120-B IPC added later on) at Police Station BPTP, Faridabad.

The aforesaid FIR was registered on the statement of the complainant/husband of the deceased, which reads as under:-

*“.....I applicant Virender son of Sh. Rammotar is resident of village Nagariya, Nadir Shah, Post Dharawasi, District Amroha, Uttar Pradesh now resident of House No. 951, Bye Pass Road, Sector 9, Faridabad and submits as under:- 1. That my marriage was solemnized with Geeta daughter of Veerpal resident of village Alipur Bujurg, Tehsil Chandosi, District Sambhal Uttar Pradesh as per Hindu Rites and Rituals at Arya Samaj Santan Vaidik Sanskar Trust, 120, Rajender Market, Tees Hajari Court Delhi in the present of witnesses. Whereas Geeta had submitted the Aadhar Card as a proof of date and birth, in which her date of birth is mentioned as 01.01.1998 (about 21 years). The copy of the*

*marriage certificate and Aadhar Card is attached. 2. That after the marriage I alongwith Geeta started living at House No. 951, Bye Pass Road, Sector 9, Faridabad as a husband wife. 3. That on 16.05.2019 at about 04:00 PM Veerpal (father of Geeta), Bulla (uncle's son of Geeta), Ramesh (uncle of Geeta) and two other unknown persons, to whom I can recognize them on coming in front of me, forcibly entered in my house. All of them abused us, hustled and gave me slap and punches blow. The landlord Yogesh and his sister Aarti saved me from them. They brought my wife with them by kidnapping her and while going they threatened to me that today you saved if you complained or tried to meet Geeta then we will kill you. Due to fear, I did not come out and now came to you. The accused can cause harm and kill to me, my wife and my family members. They can implicate us in false cases. So, it is requested to you that stern legal action may kindly be taken against the abovesaid accused while registering a case. My wife be handed over to me by escaping her from their clutches. The life and property of my wife, me and my family member be saved."*

Learned counsel for the petitioner, *inter alia*, submits that the petitioner is a neighbour of the co-accused and not the uncle's son of the deceased as incorrectly recorded in the FIR. It is submitted that the present FIR was registered on the statement of the husband of the deceased. It has been stated in the FIR that the complainant and the deceased who was 21 years old, had solemnized marriage on 08.05.2019. It has been alleged that family of the victim was against this marriage. It is submitted that the only role attributed to the petitioner is that he along with his co-accused had kidnapped the deceased. It is also submitted that vide order dated 27.02.2023 (Annexure P-5) passed by a co-ordinate Bench of this Court, co-accused of the petitioner, namely, Ram Bahadur, has been granted the regular bail by this Court; and vide order dated 01.04.2023 (Annexure P-6) passed by the learned Additional Sessions Judge, Faridabad, another co-accused of the petitioner, namely, Ramesh, has been enlarged on regular bail.

Learned counsel submits that the allegations levelled against the petitioner are identical to those of the abovesaid persons, namely, Ram Bahadur and Ramesh. It is further submitted that even otherwise, there is unexplained delay of 08 months in lodging the FIR as the date of alleged occurrence is 16.05.2019, whereas the present FIR was lodged on 25.01.2020. The petitioner has been in custody since 12.03.2020. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular bail.

*Per Contra*, learned counsel for the State has filed custody certificate dated 19.09.2023, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 03 years, 06 months and 05 days. Learned counsel for the State vehemently opposes the prayer for grant of regular bail to the petitioner and submits that the petitioner himself has admitted his guilt in his disclosure statement dated 12.03.2020 (Annexure R-1) appended with the status report dated 04.09.2023, filed by way of affidavit of Sh. Rajeev Kumar, HPS, Assistant Commissioner of Police Central, Faridabad, on behalf of respondent-State. He further submits that out of total 19 prosecution witnesses, only 04 have been examined by the trial Court, so far.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case including the fact that custody certificate reveals that there is no other case against the petitioner, and also the fact that the petitioner has been in custody as an undertrial for a period of 03 years, 06 months and 05 days, and the fact that out of total

19 prosecution witness, only 04 have already been examined so far, therefore, conclusion of trial will take sufficient time and no useful purpose would be served by further detention of the petitioner, the present petition is **allowed**.

The petitioner-Bulla @ Voola, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

20.09.2023  
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( NIDHI GUPTA )  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |