

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(206)

CRM-M-30860-2022

Date of decision:- 20.03.2023

Vishnu @ Kallu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Devender Kumar, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana

SUVIR SEHGAL, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of post-arrest bail in case FIR No. 590 dated 12.08.2018, registered for offences under Sections 302, 363 and 366 of the Indian Penal Code, 1860 (for short "IPC"), however, later on Sections 498-A, 304-B, 201, 120-B and 34, IPC and Section 25 of Arms Act, 1959 were added and Sections 363 and 366, IPC were deleted, at Police Station Sadar Palwal, District Palwal, Annexure P-1.

Case of the prosecution is that FIR, Annexure P-1, came to be registered when information was received about a 1 ½ year old girl child. The matter was investigated and it was found that the child was of Late Bimlesh.

While making a reference to the DDR, Annexure P-2, counsel for the petitioner submits that Bimlesh had an estranged relationship with her husband - Rahul and her brother had lodged a complaint on the allegation that she was being harassed on account of dowry. He submits that there is also an allegation that her husband along with petitioner had murdered her. Counsel submits that there is no motive of the petitioner to cause the homicide and the petitioner was an employee (driver) of main accused – Rahul, who is in custody. Counsel submits that the petitioner, who has been falsely implicated and is in confinement since 13.08.2018, deserves to be enlarged on bail as the prosecution evidence is at a nascent stage.

Per contra, learned State counsel, upon instructions, has opposed the petition and submits that the death of Bimlesh has been caused by a firearm injury and the pistol, some clothing items, pieces of bangle and certain other incriminating material smeared with blood has been found from the house of the petitioner. It is his specific case that the petitioner in connivance with Rahul had murdered Bimlesh and both of them are hand in glove. Upon further instructions, he submits that seventeen out of forty four prosecution witnesses have been examined.

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

Petitioner is languishing in detention for the last more than fifty five months as an under-trial prisoner. Prosecution is to lead evidence of twenty seven more witnesses. The role ascribed to the petitioner would be determined by the Trial Court during the course of the trial. This Court is *prima facie* of the view that the petitioner deserves to be enlarged on bail as

there is a remote possibility of an early conclusion of the trial.

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 Area Magistrate/Duty Magistrate concerned.

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

20.03.2023

Kamal

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