

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-35793-2021 (O & M)****Date of decision: 13.04.2023**

Vishal

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Harpal Preet Singh Chopra, Advocate, for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.554 dated 07.11.2020 under Sectins 302, 436, 452 and 511 IPC (Sections 120-B, 201 IPC added later on) registered at Police Station Pehowa, District Kurukshetra.

2. The present FIR came to be registered at the instance of Ranjit Singh son of Sardara Singh who stated that he received information from one Gurmit Singh of village Galedwa that his (complainant's) relative Paramjit Kaur who was residing in the said village alongwith her daughter-in-law Jyoti had been murdered.

During the course of investigation, it was revealed that Paramjit Kaur's son was residing abroad and her daughter-in-law Jyoti was residing in the same house. One Pardeep Kumar was involved in an illicit relationship with Jyoti. When the deceased-Paramjit Kaur who was the mother-in-law of Jyoti came to know about the said fact, Pardeep Kumar and Jyoti decided to commit her murder. The present petitioner-Vishal, who was

an employee of Pardeep Kumar was roped in to commit the offence in question. Ultimately, Pardeep Kumar is alleged to have strangled Paramjit Kaur and the present petitioner was at the place of occurrence at the time of the alleged offence.

Based on the investigation, the report under Section 173(2) Cr.P.C. was submitted against Pardeep Kumar, Vishal (petitioner) and Jyoti.

3. The learned counsel for the petitioner contends that the entire case is based on circumstantial evidence. There is absolutely no admissible evidence connecting the petitioner with the commission of the offence in question other than the confessional statements of the accused. As the petitioner was in custody since 17.11.2020 and only 12 out of the 32 prosecution witnesses had been examined so far, the petitioner was entitled to the grant of regular bail as the Trial was not likely to be concluded anytime soon and he had clean antecedents.

4. The learned counsel for the State, on the other hand, contends that undoubtedly, the case is based on circumstantial evidence. However, there was sufficient evidence available against the petitioner showing his culpability in the commission of the offence. The tower location of the mobile phone recovered from him shows his presence at the place of occurrence at the relevant time. The serious nature of the allegations against the petitioner and his co-accused did not entitle him to the grant of bail. He, however, concedes that the petitioner is a first-time offender, in custody since 17.11.2020 and only 12 out of the 32 prosecution witnesses had been examined so far.

6. I have heard the learned counsel for the parties.

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7. The veracity of the prosecution case against the petitioner shall be established during the course of Trial. The petitioner is in custody since 17.11.2020 and only 12 out of the 32 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded in the near future. As such, the further incarceration of the petitioner is not required.

8. In view of the above, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Vishal, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any crime other than the cases referred to hereinabove.

10. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

April 13, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No