

210

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-39085-2020 (O&M)

Date of Decision: 06.07.2023

Sunil

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rakesh Dhiman, Advocate for the petitioner.

Mr. Sukhdeep Parmar, Sr. DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.29 dated 01.02.2020 registered under Sections 302, 203 and 201 IPC, 1860 at Police Station Line Paar, Bahadurgarh, District Jhajjar. The petitioner is in custody since his arrest on 04.02.2020.

The FIR was registered on the basis of complaint given by Jai Bhagwan and the allegations as noticed by the Addl. Sessions Judge, Jhajjar in the order dated 21.10.2020 are as under:

“It was observed that the FIR of the case in hand, had been registered, on the basis of the complaint lodged by Sh. Jai Bhagwan, who was the father of the deceased, namely Smt. Sangeeta. According to his complaint, his daughter named above (since deceased) was married to Sunil (i.e. the applicant/accused), a resident of a village in District Jind almost nine years back. That at the time of her death, she, along with her tow children was residing, in her own house, at Sub-Division, Bahadurgarh, District Jhajjar. That on 01.02.2020, at about 4:30 A.M., his son-in-law, namely, Sunil (i.e. the applicant/accused) had informed him of theft, in their house and the death of his daughter (i.e. of the complainant). On receiving the information, he (i.e. the complainant) reached the Civil Hospital, at Bahadurgarh and after meeting his son-in-law (i.e. the applicant/accused), paid a visit to his house (i.e.

of the accused/son-in-law) and found that some articles were lying scattered, outside an almirah, kept in the store-room, adjoining the bed-room of his daughter named above. As regards, the death of his daughter named above, the complainant had stated that some robbers, who had trespassed in her house, at night, with an intention to commit theft must have killed her. On the basis of his complaint, FIR under Section 460 of IPC was registered against the unknown.”

Learned counsel submits that the petitioner's wife, namely,

Sangeeta was found dead at home and the subject FIR was lodged by the petitioner's father-in-law, namely, Jai Bhagwan, who had not named the petitioner in the alleged crime and attributed the occurrence to unknown persons. He submits that subsequently, on the statement of petitioner's minor daughter aged about five years, the petitioner was implicated as a sole accused in this case, whereupon he was arrested on 04.02.2020. He submits that during trial, the material witnesses including the petitioner's daughter have been examined, but out of total twenty two witnesses, only six witnesses have been examined so far. He submits that the material witness has not supported the prosecution case, therefore, the petitioner be released on bail.

Learned State counsel assisted by SI Vijay Pal, while opposing the prayer on the ground that the offence is serious in nature and does not dispute this fact that still sixteen witnesses remain to be examined.

Upon considering the above background, custodial period of the petitioner as well as the pace at which the trial is progressing, this Court is of the opinion that the further detention of the petitioner behind the bars may not be justified, as the material witnesses have been examined. The remaining witnesses are police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, concerned.

The petition is allowed.

06.07.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No