

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on: December 07, 2023
Date of Decision: December 12, 2023
CRM-M-46420-2023

Parveen Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Naresh Dilawari, Advocate for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 Cr.P.C. petitioner prays for grant of regular bail in case FIR No. 306 dated 4.8.2021 registered at Police Station, Naraingarh, Ambala, under Section 302 IPC. This is the second petition for the purpose. The earlier petition bearing No. CRM-M-10264-2022 was dismissed as withdrawn, vide order dated 15.03.2022 (Annexure P-1).

2. This is a case of so called honour killing. FIR was lodged on the statement of Sanjeev Kumar @ Sanju, resident of Village Lalpur, the brother of deceased. As per the statement, his sister Komal, aged about 25-26 years was having affair with one Sahil S/o Naib Singh, resident of Village Taparia and was adamant to perform marriage with him, which was being opposed by paternal uncle Rampal and his son Parveen-petitioner (*cousin of complainant and deceased*). On 04.08.2021 at about 10-10.30 AM, complainant along with his maternal uncle Brij Pal, brother-in-law Dinesh and one other left for village Taparia to have a talk with the relatives of Sahil. They also asked Parveen to accompany them,

but he made excuses and did not accompany them. Later on, complainant received a call regarding the mis-happening at his place. On coming home, he along with his maternal uncle Brij Pal and brother-in-law Dinesh noticed his sister Komal lying dead in a pool of blood in the courtyard. The blood was oozing from her head. Complainant raised strong suspicion against petitioner-Parveen, who on account of grudge due to affair of Komal with Sahil, had committed her murder.

3. During investigation, physical evidence was collected. On the same date, i.e. 04.08.2021, statement of the witness of the spot, namely Gian Chand was recorded under Section 161 Cr.P.C., as per which Komal wanted to get married to a boy of village Tapri, to the disliking of her uncle's son Parveen (petitioner). Gian Chand further disclosed in his statement that on 04.08.2021, he was at his home, whereas his nephew Sanju and Parveen and son-in-law Dinesh along with Brij Pal had gone with the kiln owner Mohan, but after some time, Parveen came back having an iron rod in his hand. Said Parveen hit iron rod twice or thrice on the head of Komal and as he (Gian Chand) raised noise, Parveen Kumar fled away taking the iron rod with him.

4. Postmortem examination of deceased Komal was got conducted. Accused-petitioner Parveen was arrested on 05.08.2021. Based upon his disclosure statement, a blood stained iron rod, besides blood stained clothes worn by him at the time of commission of the crime were recovered. After completion of investigation, final report under Section 173 Cr.P.C. has already been filed. After framing of the charges on 25.10.2021, evidence of three prosecution witnesses have since been recorded.

5. It is contended by learned counsel that petitioner has been falsely implicated; that statement of Sanjeev Kumar, the author of the FIR is based on suspicion and *hear say*; whereas witness Brij Pal, the maternal uncle of Sanjeev Kumar, did not witness the occurrence. Statement of Sanjeev Kumar and Brij Pal have already been recorded by the Trial Court, which contain contradictions. Learned counsel further contends that it is a case of blind murder and that the conclusion of trial is likely to take long time so, having regard to the long custody period of the petitioner being more than 02 years, he be released on bail.

6. Learned State counsel has strongly opposed the bail petition not only by pointing out towards the gravity of the offence, but also submitting that statements of material witnesses are yet to be recorded including that of Gian Chand, who is an eye witness of the occurrence and who in his statement under Section 161 Cr.P.C. clearly stated that it is the petitioner, who had given blows with iron rod twice or thrice on the head of Komal, resulting into her death. Prayer is made for rejecting the bail petition.

7. After considering submissions of both sides and appraising the record carefully and having regard to the gravity of the offence, the manner in which petitioner is alleged to have killed his cousin sister in the name of so called honour and also considering the fact that the material witnesses of the prosecution including the eye witness, namely, Gian Chand, are yet to be examined, this Court is not inclined to release the petitioner on bail. As such, the petition is dismissed.

December 12, 2023

sarita

Whether reasoned/speaking: Yes/No

(DEEPAK GUPTA)

JUDGE

Whether reportable: Yes/No