

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.51352 of 2022 (O&M)

Date of Decision: January 13, 2023

Sharwan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Davneet Sangwan, Advocate,
for the petitioner.

Mr.Sukhdeep Parmar, 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.293 dated 29.07.2018, under Section 302 IPC, 1860, registered at Police Station, Sadar Fatehabad, District Fatehabad. The petitioner is in custody since his arrest on 30.07.2018.

The above FIR was registered on the basis of the statement given by complainant Vikram, who alleged that he has a brother and two sisters and the youngest one, namely, Rekha was married about 7-8 years ago with Sharwan Kumar son of Ram Swaroop. The couple was blessed with a son, namely, Dhruv aged four years. Sharwan Kumar lived with his family in a separate house in the village, who, carried a doubt upon the character of complainant's sister. They tried to make him understand, but he continued with his belief and used to fight with his wife every day. Today, complainant's sister Mamta informed him that Sharwan Kumar has killed his wife and son. Complainant reached at the house of his sister Rekha and found her dead in a room along with beheaded body of his nephew. On these broad allegations, he requested for strict action against the accused.

Learned counsel for the petitioner has argued that the petitioner is in custody for a long time but the trial is yet to conclude as prosecution has examined only eleven witnesses out of total nineteen. He prays that the petitioner be granted the concession of regular bail.

The prayer is opposed by the learned State counsel, assisted by ASI Pawan Kumar, who has argued that the petitioner committed the heinous crime by killing his wife and beheaded his four years' son and the scientific evidence in the shape of FSL report is against him as the blood of the victims was found on the clothes of the accused-petitioner. He further submits that the petitioner had used electric blade to commit this crime and the same was recovered from him. Learned counsel has further pointed out that only eight prosecution witnesses remain to be examined and the trial would conclude soon.

Upon hearing the rival submissions of the learned counsel for the parties, considering the above background, particularly the case set up by the prosecution against the petitioner and other attending circumstances, this court is not inclined to extend the concession of regular bail to the petitioner at this stage. Admittedly, only eight witnesses remain to be examined by prosecution and the trial is likely to conclude in near future.

Thus, without meaning any expression of opinion on the merits of this case, this court does not find it to be a fit case for releasing the petitioner on regular bail at this stage.

Dismissed.

January 13, 2023
Jasmine Kaur/ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No