

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-51287 of 2023
Date of Decision: 19.12.2023

Maha Singh ...Petitioner
Vs.
State of Haryana ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Pradeep Singh Poonia, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.374 dated 28.10.2021 registered under Sections 120-B, 302, 201 read with Section 34 IPC at Police Station Gannaur, District Sonipat.

2. As per the case of the prosecution, a secret informer had informed the police that Anshu daughter of Maha Singh aged 16 years, was studying in Class 11 and had been murdered by her father alongwith her family members in suspicious circumstances and she has been cremated at 05.00 a.m. in the dark. On finding the information reliable, the police proceeded to register FIR against the petitioner under Sections 302, 201 and 120-B IPC.

3. Learned counsel for the contends that the petitioner has been falsely involved only on the basis of suspicion and there was no evidence to connect her with the crime in question. During the course of investigation, the police is alleged to have recovered a wooden handle of a spade and a small bottle containing celphos tablets and the prosecution tried to project that after causing injuries, the deceased was administered celphos tablets by her own family members including the petitioner. Learned counsel further submits that in fact, Anshu had died a natural death and the cremation was done in the presence of several villagers. While referring to Annexures P-1 to P-7, learned counsel for the petitioner submits that the material witnesses, i.e., Inder Singh son of Sultan Singh, Virender son of Jai Lal, Ashok son of Samunder, Satish son of Daya Nand, Vinod son of Satbir, Deepak son of Rohtash and Naresh son of Tek Ram have turned hostile and the prosecution has not been able to lead any admissible evidence against the petitioner. Learned counsel for the petitioner further contends that even the pieces of bones were sent to the FSL and as per the FSL report (Annexure P-8), no poison was detected in the said parcels. Thus, the prosecution story is apparently false. He further contends that the petitioner was arrested on 29.10.2021 and is in custody for the last more than 02 years and 01 month. As per the learned counsel, the petitioner is a first offender and a rustic villager. Since, all the material witnesses have been examined in the present

case, the petitioner would not be in a position to influence the witnesses of the prosecution.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious and specific allegations against the petitioner and the petitioner is not entitled for the concession of regular bail. She further submits that the petitioner had killed his own daughter and it is a case of honour killing.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the petitioner was arrested on 29.10.2021 and is continuing in custody since then. All the material witnesses of the prosecution have not supported the case of the prosecution and have turned hostile. Apart from that, the petitioner has no criminal antecedents.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

19.12.2023

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No