

228

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58759-2023 (O&M)

Date of Decision: 28.11.2023

Virender

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sanpreet Sandhu, Advocate, for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No. 441 dated 24.07.2021, under Section 364 IPC (Sections 302, 201 and 34 IPC added later on), registered at Police Station Rai, District Sonipat.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody for 2 years, 3 months and 27 days and now all the material witnesses stand examined and even the Numberdar before whom there was an extra-judicial confession by the main accused namely, Vijaypal has also not supported the prosecution version. He further submitted that in the present case the allegations were against one Vijaypal by alleging that he has killed his own daughter namely, Kanika which was a case of a honour killing which is clear from the FIR itself. He further

submitted that so far as the present petitioner is concerned, he is a relative of the aforesaid deceased and his name was nominated on the basis of the disclosure statement of the aforesaid Vijaypal. He submitted that the entire case is dependent upon the disclosure statement of the co-accused which is not admissible in evidence *per se*. He further submitted that the petitioner is not involved in any other case and has got clean antecedents and since all the material witnesses have been examined, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, DAG, Haryana has submitted that so far as the custody period of the petitioner is concerned, the same is correct and it is also correct that all the material witnesses stand examined. So far as the role of the petitioner is concerned, he submitted that although the name of the petitioner was nominated on the basis of the disclosure of the main accused namely, Vijaypal who is the father of the deceased girl but the petitioner was also present on the spot. So far as the antecedents of the petitioner is concerned, he submitted that he is not involved in any other case.

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

5. It is a case where the petitioner has already faced incarceration for 2 years, 3 months and 27 days and as per both the learned counsel for the parties, all the material witnesses stand examined. The petitioner is stated to be relative of the main accused namely, Vijaypal who is the father of the deceased girl and allegedly it was a case of a honour killing. As per the learned counsel for the parties, the name of the petitioner was nominated on the basis of the disclosure statement of the main accused namely, Vijaypal. The petitioner is stated to be not involved in any other case.

Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

28.11.2023

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No