

215

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1738-2024
Date of decision : 08.04.2024

ASHOKPetitioner

Versus

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Surender S. Pannu, Addl. A.G. Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.744 dated 05.12.2021 registered for the offences punishable under Sections 302, 120B, 34, 364, 201 of the Indian Penal Code, at Police Station City Palwal, District Palwal (Haryana).

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.
3. FIR came into being on the information supplied by one Om Parkash son of Nanak Chand alleging as under :

"xxx that I Omparkash s/o Sh. Nanak Chand, caste Brahmin, is resident of village Palek. My younger sister Preeti was married about 13 years back to Gopal's son Jagdish in village Alhapur, who is leading a happy married life. On 02.12.2021, I went to Alhapur to meet my sister and brother in law Gopal at their house, where

my brother in law Gopal told me that Sumeri, Mahaveer s/o Kishan lal and Dinesh s/o Raghuvar and some other people stopped me on the way to my fields and threatened me, that the quarrel of family of Harkesh etc., is going on with the people of our family and in that you are helping the family of Harkesh and you are opposing us the most. We will kill Harkesh etc., after coming from the hospital to the village and will not leave anyone alive, but if you do not agree, then we will kill you, or will crush you by car in the way or get you kidnapped and will get you killed. Today on 05.12.2021 at about 6:00 am my brother in law's family told me that your brother in law Gopal has been murdered whose body is lying under the Alhapur flyover, then I reached the spot. Meanwhile, the police reached the spot and I gave my written application to the police. I have every doubt that the above people have conspired and murdered my brother in law according to their statement. Even now my brother in law's family is in danger from these people. Therefore, I request you that by taking strict legal action against the above culprits, they should be arrested immediately and we should be brought to justice. xxx"

4. Later on during the course of investigation as per the prosecution accused Bijender suffered disclosure claiming that he had illicit relationship with the wife of deceased Ram Gopal and he conspired with the help of the present petitioner Ashok to murder the deceased.

5. Counsel for the petitioner submits that apart from the said disclosure made by co-accused while in police custody there is no incriminating evidence against the petitioner. The petitioner is behind the bars for more than 2 years, 2 months and 18 days and has clean antecedents. Not only the investigation stands concluded even the material witnesses stand examined.

6. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record.
7. I have heard counsel for the parties and have gone through records of the case.
8. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 08, 2024

Dpr

Whether speaking/reasoned

Whether reportable

(Pankaj Jain)

Judge

: Yes/No

: Yes/No