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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-5151-2024

Date of Decision:08.02.2024

Parvesh

...Petitioner

VS.

State of Haryana

...Respondent

Coram : **Hon'ble Mr. Justice N.S. Shekhawat**

Present : Ms. Neha Dewan, Advocate with
 Mr. Mayur Karkra, 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 regular bail to him in case FIR No.224 dated 06.08.2020 registered under Sections 201 and 302 of IPC (Section 34 IPC added later on), at Police Station Kalayat, District Kaithal.

2. The FIR in the present case was registered on the basis of the statement made by ASI Kulvir Singh. As per case of the prosecution, on 06.08.2020, in the Control Room, Kaithal, a police received an information that a girl has been killed by her family members and was being taken to the cremation ground. On this, a police team headed by the complainant reached there and the fire in the cremation ground was extinguished and a half burnt body of a girl was taken into possession by the police. In fact, her dead body was being burnt after killing by her own family members due to some reason.

With these broad allegations, the FIR in the present case was got registered by the complainant.

3. Learned counsel for the petitioner contends that in the present case, the petitioner has been falsely involved only on the basis of the suspicion. Learned counsel had referred to the testimony of PW-18-Dr. Kunal Gaba, who had conducted the post-mortem on the dead body of Meenu, deceased and submits that there were no marks of resistance on the dead body of Meenu and the medical evidence did not help the case of the prosecution in any manner. She further contends that in the present case, all the material witnesses have already been examined by the prosecution and there are no chances of tampering with the case of the prosecution. Apart from that, the petitioner was arrested in the present case on 06.08.2020 and is in custody for the last more than 03 years and 06 months.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground the petitioner is the main accused and he had strangled his own sister Meenu. However, learned State counsel admits that the petitioner is in custody for the last about 03 years and 06 months and most of the material witnesses have been examined in the present case.

5. I have considered the rival submissions made by learned counsel for the parties and I am of the considered opinion that the petitioner deserves to be enlarged on bail. The petitioner was arrested in the present case on 06.08.2020 and is a young boy. He is confined in jail for the last more than 03 years and 06 months. Thus, during the course of trial, he cannot be detained in

custody for a longer period, as a punishment and the petition deserves to be allowed.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

08.02.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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