

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-36630-2023 (O&M)
Date of Decision:-16.2.2024

Rajender @ Jinda ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sahil Choudhary, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

FIR No.	Dated	Police Station	Section/s
79	29.3.2022	Chhachhrauli, District Yamunanagar	302 and 120-B of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged at the instance of Karanbir, wherein it is alleged that his younger brother Dharambir is a labourer and used to go for work in the morning and returned by night. He was married to Babli, who was not enjoying a good character. It is alleged that on 2.3.2022, Babli had gone to Panchkula alongwith her younger son Kanhiya for medical check up. Upon their return, Kanhiya disclosed that Babli had met one unknown boy and had

indulged into objectionable activities. When Babli was confronted about the same, she gave beatings to her son Kanhiya. On 29.3.2022, when the complainant and his brother had gone out for work, they received a telephonic call from complainant's wife to the effect that Kanhiya had been administered poison by his mother Babli and was vomiting since then. She further informed that the said factum had been disclosed to her by Kanhiya himself. The complainant and his brother rushed back home, where they came to know that Kanhiya had been strangled to death by his mother.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and has been nominated on the basis of disclosure statement of co-accused Babli. Learned counsel further submitted that, even if, all the contents of the FIR are taken to be correct, the same clearly discloses that it is co-accused Babli, who had allegedly murdered Kanhiya and the petitioner was never even present at the spot, when the alleged occurrence had taken place.
4. Opposing the petition, learned State counsel submitted that the petitioner is none else but the paramour of co-accused Babli, who had connived and conspired with Babli for committing murder of Kanhiya, who had disclosed about their relationship to his father as well as to the complainant on account of which Babli and petitioner were aggrieved against Kanhiya. Learned State counsel further submitted that the name of the petitioner had been disclosed by Babli and, as such, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year, 10 months and 12 days and that as on date 8 PWs out of the cited 20 PWs have been examined. It has also been informed that the petitioner is not involved in any other case.

5. This Court has considered rival submissions addressed before this Court.
6. Admittedly, the petitioner is not named in the FIR and came to be nominated on the basis of disclosure statement of co-accused Babli. Even as per the case of prosecution, the petitioner was not present at the spot when the occurrence in question took place, which is attributed exclusively to co-accused Babli. The petitioner has been behind bars for a substantial period of about 1 year, 10 months and 12 days. Conclusion of trial is likely to consume time inasmuch as only 8 PWs out of the cited 20 PWs have been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.2.2024
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No