



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

220

CRM-M-43841 of 2024

DATE OF DECISION :- 10.09.2024

Deepak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Abhinav Gupta, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR No.291 dated 09.12.2022, registered for the offences punishable under Sections 302,201,376,120-B of IPC at Police Station Rampura, District Rewari.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“To, the Incharge Police Post village Bhadawas Village, It is requested that I Jitender Singh son of Sh. Narendra Singh am resident of Sulkha district Rewari. Today on 09/12/22 at around 11.30 AM I came in my fields to see the crops and when I crossed the Sulkha Rajiyaki canal, I saw that dead body of a woman the fields is lying in the field of Singh Ram, resident Bhadangi adjacent to the canal, whose head and mouth was died with cloth and there are injuries on her face. Some unknown persons tied the mount of this woman and committed her murder by strangulating and causing injuries on her face and head, legal action be taken against unknown persons who committed murder by of this lady.



Sd/ Jitender Singh son of Shri Narender Singh, resident of Sulakha, District Rewari 9466152862”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 03.07.2022. Learned counsel has further submitted that the prosecution case is one of circumstantial evidence only and the prime prosecution witness namely Priyanka (PW7), who is stated to be a friend of deceased and the husband of the deceased (PW21) have turned hostile. Learned counsel for the petitioner has further submitted that all private witnesses already stand examined and thus there is no likelihood of the petitioner to interfere with the prosecution evidence. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 07.09.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 03.07.2022 whereinafter investigation was carried out and challan stands presented on 26.09.2023. Total 44 prosecution witnesses have been cited out of which only 21 have been examined till date. The culmination of trial, but of course, will take its own time. The rival contention of learned counsel for the parties; as to whether the case in hand is one of circumstantial evidence and the veracity/weightage of the prosecution evidence brought forward as also the weightage required to be attached to the testimony of the hostile witness namely Priyanka (PW7) and PW 21 (husband of the deceased); shall be gone into during the course of trial.



This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 07.09.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 01 year & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on interim bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.



CRM-M-43841 of 2024 **4**

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

10.09.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No