

229 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-63892-2023

Decided on:-26.02.2024

Sattar

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gautam Dutt, Advocate with
Mr. Rehan Gupta, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.47, dated 20.01.2023, registered under Sections 302, 34 IPC and Section 12(1), 12(5) of the Haryana Prevention of Unlawful Conversion of Religion Act, 2022, at Police Station Sector 58, District Faridabad.

2. Learned counsel for the petitioner submits that the petitioner has been implicated against the alleged murder of sister of the complainant, namely, Twinkle.

3. On the other hand, prayer made herein has been opposed at the instance of learned State counsel while submitting that the deceased was tortured by the family members of the petitioner. He further submits that a specific role has been attributed to the petitioner, who caught hold of the

deceased along with his wife and their son Sharukh Khan hanged her.

Learned State counsel further refers to the antecedents of the petitioner, who is also involved in one more case under Sections 379-B, 323 IPC and thus, prays for dismissal of the present petition.

4. I have heard learned counsel for the parties and gone through the paper book and find substance in the submissions made on behalf of the petitioner.

5. In the present case, investigation already stands concluded with the filing of challan, followed by framing of charges on 27.10.2023 and the petitioner is behind the bars for the last 01 year & 01 month; however, none of the prosecution witnesses has been examined so far out of total 22 witnesses cited by the prosecution and thus trial is likely to take some time.

6. Though in the FIR, the allegations have been levelled about the repeated beatings and torture to the deceased, however, learned State counsel has not been able to point out even a single complaint from the side of the deceased or her family members against the petitioner or his family members. Moreover, no apprehension has been expressed by the prosecution as regards any kind of threat to the witnesses.

7. As regards the involvement of the petitioner in one more case, it has been pointed out by learned counsel for the petitioner that the same related to close family members and now already stands settled.

8. In view of the aforesaid fact, I do not find any reason to extend the incarceration of the petitioner any further.

9. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing adequate bail/surety

bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

10. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

26.02.2024
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(HARKESH MANUJA)
JUDGE

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