

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

CRM-M-11837-2015

Date of decision: 23.04.2015

Shubh Ram

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Rakesh Nehra, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.269 dated 27.06.2013 under Sections 304-B, 34 IPC, registered at Police Station Shivaji Colony, Rohtak.

Notice to Advocate General, Haryana.

On the asking of the Court, Mr. Manoj Kumar Sangwan, DAG Haryana accepts notice on behalf of the State.

Learned counsel for the petitioner submits that petitioner is father-in-law of the deceased. He further submits that husband as well as mother-in-law of the deceased are also inside the jail. He further fairly states that although trial is at the stage of defence evidence, yet the present petitioner deserves bail pending trial for the reason that except three family members who are inside the jail, there is none else to pursue the matter on their behalf. If the petitioner remains inside the jail then a serious prejudice would be caused to all the accused and they will not be in a position to defend themselves properly, as the medical evidence which may prove a

clinchier in favour of petitioner, would not be brought on record. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Narender Singh, Police Station Shivaji Colony, Rohtak, submits that once the prosecution evidence has been closed, petitioner is not entitled for bail pending trial at this stage.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that petitioner being father-in-law of the deceased, is entitled for bail pending trial in the give fact situation of the present case. It is so said because, if the petitioner also remains inside the jail, there would not be no other family member to pursue the case on their behalf and even the evidence whichever is available, would not be brought on record thereby causing serious prejudice to the accused which would result in miscarriage of justice.

Considering the totality of facts and circumstances of the case discussed hereinabove, present petition is allowed and the petitioner is directed to be released on bail pending trial, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Petition stands disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

23.04.2015
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