

**Sr. No. 216
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No. M-27058 of 2015
Date of Decision: 01.09.2015**

Maninderpal Singh

--Petitioner

Vs

State of Haryana

--Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. R.S.Cheema, Senior Advocate with
Ms. Tanu Bedi, Advocate,
for the petitioner.

Mr. Ashish Yadav, Addl.A.G.Haryana.

Mr. P.S.Hundal, Senior Advocate with
Mr. Dinesh Trehan, Advocate,
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 791 dated 02.10.2014 under Sections 498-A, 406, 304-B, 34 of the Indian Penal Code, registered at Police Station Civil Lines, Karnal.

Learned Senior counsel for the petitioner submits that petitioner is inside the jail since 05.10.2014. He has placed before the Court as many as six zimini orders passed by the learned trial Court to show that not even one PW has been produced by the prosecution for the reasons best known to them. The trial is being delayed intentionally and petitioner is languishing inside the jail. He would next contend that even as per the allegations levelled against the accused in the FIR, wife of the petitioner died about five months

after she was taken by her father to Karnal right from the hospital at Ludhiana and that too without informing the petitioner or his family members. In such a situation it is highly doubtful whether the case under Section 304-B/34 IPC would be made out against any of the accused. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that although prima facie there seems a lapse on the part of the prosecution while not leading the evidence before the learned trial Court yet petitioner is not entitled for bail pending trial being the main accused. He further submits that every effort shall be made by the prosecution to conclude its evidence at an early date so as to ensure that trial is expedited and concluded without any delay. He prays for dismissal of the present petition.

Similarly learned senior counsel for the complainant submits that unnatural death took place within a period of about 01 year from the marriage. The deceased was being harassed by the petitioner as well as his family members. There is sufficient evidence on record against the petitioner. He further submits that since the petitioner is the main accused being husband, he is not entitled for the concession of bail pending trial. He also submits that petitioner has been charge-sheeted for an offence under Section 315 IPC as well. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present case

noticed herein above, petitioner has been found entitled for bail pending trial.

It is a matter of record that not even one prosecution witness has been produced by the prosecuting agency before the learned trial Court despite having been granted numerous opportunities. No reason, whatsoever, is forthcoming as to why the prosecution evidence has not been produced. In such a situation, learned senior counsel for the petitioner has been found justified in contending that petitioner cannot be made to languish in the jail for an apparent fault on the part of the prosecution, in not producing evidence and that too without there being any kind of justification. Unnatural death of wife of the petitioner is unfortunate but that would not mean the prosecution can be allowed to delay the trial for an unlimited period.

In view of the above and without commenting anything further on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial, on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

01.09.2015
vandana