
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

109+209

Criminal Misc. No.M-38618 of 2015 (O&M)
Date of decision: May 05, 2016

Ajruddin

....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Deepak Goyal, Advocate for
Mr. Parshant Sethi, Advocate for the petitioner.

Ms. Trishanjali Sharma, AAG, Haryana.

DAYA CHAUDHARY, J. (Oral)

Crl. Misc. No.14620 of 2016

This is an application for placing on record the copies of the statements of prosecution witnesses examined before the trial Court as Annexures P-3 to P-6.

Application is allowed.

Annexures P-3 to P-6 are taken on record.

Crl. Misc. No.M-38618 of 2015

The present petition has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in case FIR No.318 dated

08.07.2015 registered under Section 304-B read with Section 34 of the Indian Penal Code at Police Station Sector 55, District Faridabad during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas no offence is made out against him. The complainant who is the father of the deceased has resiled from his statement while appearing in the witness-box as PW-1 and has not supported the case of the prosecution. Moreover, two more material prosecution witnesses i.e. PW-2 Mushtaq who is the cousin of the deceased and PW-3 Jamshed who is the uncle of the deceased have also not supported the case of the prosecution. It has specifically been stated by the aforesaid witnesses that no demand of dowry was there and no such statement was made before the police authorities during investigation. Learned counsel also submits that the complainant has not mentioned any specific date and time as to when the deceased was harassed or dowry was demanded as even prior to her death, no complaint was ever made to the police authorities regarding such incident. The marriage was solemnized in the year 2010 and it was a simple marriage. The petitioner is in custody since 13.07.2015 and there is no possibility that the petitioner may influence the remaining prosecution witnesses. The trial may take long time to conclude and no useful purpose would be served by keeping the petitioner behind the bars.

Learned State counsel has not disputed the custody period and also the fact that the complainant as well as two more prosecution witnesses (PW-2 and PW-3) have not supported the case of the prosecution.

In view of the submissions made by learned counsel for the parties, the statements of the complainant as well as other material prosecution witnesses who are close relatives of the deceased and have also not supported the case of the prosecution and also the fact that the petitioner is behind the bars since 13.07.2015 and no purpose would be served by keeping him in custody, the present petition is allowed and the petitioner, namely, Ajruddin is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

May 05, 2016

sonia gugnani

**(DAYA CHAUDHARY)
JUDGE**