

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

**Criminal Misc. No. M-41864 of 2015
Date of Decision:-19.01.2016**

Ram Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. H.S. Gill, Senior Advocate with
Mr. K.B.S. Mann, Advocate
for the petitioner.

Ms. Shaveta Sanghi, AAG Haryana.

Mr. Parvesh K. Saini, Advocate
for the complainant.

HARI PAL VERMA J.(Oral)

This is second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.61 dated 29.4.2014, under Sections 498-A, 306 and 120-B IPC (Sections 302, 147 and 149 IPC deleted during investigation), registered at Police Station Siwan, District Kaithal. Earlier bail application was dismissed as withdrawn on 4.9.2015 and the trial Court was directed to expedite the trial.

Learned counsel for the petitioner contends that the petitioner

is a husband and the marriage between the parties took place on 7.3.2007 and Manisha died on 29.4.2014. Manisha died after seven years of the marriage. The petitioner is in custody since 9.5.2014. He further submits that the allegations of harassment as referred in the FIR are difficult to digest, as the demand of dowry was made after seven years of the marriage. The co-accused namely Bimla has already been granted regular bail in CRM-M-21107 of 2015 titled 'Bimla vs. State of Haryana' decided on 30.7.2015. A bare perusal of the FIR shows that no offence under Section 306 IPC is made out, as there is no abetment or instigation on the part of petitioner to compel the deceased to commit suicide and, therefore, the ingredients of Section 306 IPC are totally missing. The petitioner has two minor children, who are suffering adversely.

On the other hand, learned counsel for the complainant submits that it is on account of torture given by the petitioner, the deceased Manisha had committed suicide. He further submits that the deceased Manisha was found dead and, therefore, rather it may be a case of under Section 302 IPC.

Learned State counsel states that there are allegations against the petitioner for harassment prior to the death of the deceased.

Heard.

The earlier bail application was dismissed as withdrawn, however, trial Court was directed to expedite the trial. The said order was passed on 4.9.2015 but even thereafter out of total 18 prosecution witnesses, only eight have been examined by the prosecution.

Considering the fact that trial will take sufficient long time, I deem it appropriate to allow the present petition. Accordingly, the

petitioner is admitted to regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that the petitioner shall not hamper the trial and shall not try to win over any of the witnesses and in case it is found that the petitioner has tried to win over any witness, the prosecution will be at liberty to seek cancellation of bail granted to the petitioner.

However, it is also made clear that the observations made here-in-above shall not be construed any expression on the merits of the case. The trial Court shall decide the case on the basis of evidence as available on record.

January 19, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE