

Criminal Misc. No. M- 1301 of 2017 (O&M)

Date of decision : September 12, 2017

Balwan Singh

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vivek Suri, Advocate for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

Ms. Ramandeep Kaur, Advocate for
Mr. Sandeep Gahlawat, Advocate for the complainant.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 641 dated 25.07.2016 under Sections 304B, 34, 216 IPC registered at Police Station Jhajjar.

It is submitted that the petitioner, who is the father-in-law of the deceased, has been falsely implicated in this case. He is in custody since 01.08.2016. The trial, in this case, is not making much headway. The parents of the deceased are not coming forward to depose before the learned trial Court. Bailable warrants have now been issued to secure their presence before the learned trial Court. It is further submitted that the petitioner's wife suffers from a mental ailment. Children of the deceased i.e. the petitioner's grand children are being looked after by a relative of the petitioner. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State, on instructions from

ASI Karambir, informs that brother of the deceased has been examined

before the learned trial Court and indeed bailable warrants to secure presence of the parents of the deceased have been issued by the learned trial Court. It is informed that the petitioner is not involved in any other criminal case and he is in custody for over more than last one year. It is further verified that the petitioner's wife is mentally challenged and his grand children are being looked after by a relative of the petitioner.

Learned counsel for the complainant is unable to furnish any explanation whatsoever for the non-appearance of the parents of the deceased before the learned trial Court.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

September 12, 2017

rts

(Lisa Gill)
Judge

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