

Criminal Misc. M- No. 19629 of 2017 (O&M)

Date of decision : July 19, 2017

Mohinder Singh

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

The petitioner, who is the father-in-law of the deceased, prays for bail pending trial in FIR No. 393 dated 03.10.2016 registered under Sections 304B, 34 IPC at Police Station Taraori, District Karnal.

It is submitted that there are vague and general allegations levelled against the petitioner. No specific allegation has been raised against the petitioner, which would attract the rigours of Sections 304B, 34 IPC. Furthermore, the complainant - Ramesh son of Bisa Ram (PW3) as well as the mother of the deceased – Raj Bala wife of Bisa Ram (PW4) have not supported the prosecution case. Both of them stated that the deceased used to remain under severe depression even prior to the marriage and she was never tortured by her in-laws, neither was any demand of dowry raised by them. The cousin brother of the deceased (PW6) as well as one of the neighbours (PW5) have not supported the prosecution case and they have been declared hostile. The statements of PWs 3, 4, 5 and 6 are annexed as Annexures P-3, P-4, P-5 and P-6 respectively. The petitioner, it is submitted,

has been in custody since October, 2016. He is not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

Learned counsel for the State is unable to deny that the complainant, the mother of the deceased as well as the other two prosecution witnesses have not supported the prosecution version. The petitioner, it is verified, is not involved in any other criminal case.

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. Trial, in this case, is not likely to conclude in the near future.

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 bonds 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.

July 19, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No