

Criminal Misc. M- No. 22392 of 2017 (O&M)

Date of decision : July 07, 2017

Upkar

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ravinder Bangar, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 292 dated 26.05.2016 registered under Sections 304B, 34 IPC at Police Station City Sonipat, District Sonipat.

It is submitted that no offence punishable under Section 304B read with section 34 IPC is made out against the petitioner. It is submitted that out of four persons named in the FIR, the challan/final report under Section 173 Cr.P.C. was presented only against two i.e. the present petitioner as well as his mother i.e. the mother-in-law of the deceased. It is submitted that general and vague allegations, which are totally unsubstantiated have been raised in the FIR. Furthermore, the complainant – PW1 i.e. the brother of the deceased has not supported the prosecution version. PW1 stated that the deceased was suffering from depression, she was short tempered in nature even before her marriage and was under treatment for this problem. PW1 further stated that the ailment of the deceased was aggravated after her marriage as she was not happy with the present petitioner as he usually remained unwell. Reference is made to

the statement of PW1 annexed as Annexure P-3. It is further submitted that the co-accused has been afforded the concession of bail pending trial by this Court on 15.02.2017 in CRM-M No. 44962 of 2017 (Annexure P-4). It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions, from ASI Jasmer Singh opposes this petition but is unable to deny that PW1 - the complainant and brother of the deceased has not supported the prosecution version. It is verified that the petitioner 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. Material witnesses stand examined.

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 07, 2017
rts

(Lisa Gill)
Judge

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