

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

Crl. Misc. M-32195 of 2017 (O&M)
Date of Decision: November 14, 2017

Harish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Neeraj Gaur, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.14 dated 25.01.2017, under Sections 304-B, 34 of Indian Penal Code, registered at Police Station Jhajjar, District Jhajjar.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 27.01.2017 and after completion of the investigation, challan has been presented and charges have been framed. It is argued that despite several opportunities having been given, complainant-Manoj has not come forward to have his statement recorded. It is submitted that bailable warrants of arrest were also issued by learned Addl. Sessions Judge, Jhajjar on 31.07.2017, but despite the said bailable warrants of arrest, the complainant has not appeared. It is also

argued that as on date, witnesses have not been examined, on account of the fact that they are not appearing before the court, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from Investigating Officer, opposes the grant of regular bail, while submitting that complainant is yet to be examined.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 27.01.2017 and that complainant himself is not keen to have the statement recorded, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

November 14, 2017

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No