

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

Criminal Misc. No.M- 34101 of 2017(O&M)

Date of Decision: November 22 , 2017.

Sandeep PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ivneet Singh Pabla, Advocate
for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

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

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.211 dated 31.10.2016 under Section 304B IPC, registered at Police Station Line Paar, Bahadurgarh.

It is submitted that vague and general allegations have been levelled in the FIR which do not, in any manner, constitute any offence punishable under Section 304B IPC. Learned counsel for the petitioner argues that in fact marriage of the complainant's daughter was solemnized with the petitioner against the wishes of the deceased. Moreover, the complainant and the material

witnesses in this case i.e., the mother and the brother of the deceased are not coming forward to depose before the learned trial court, despite various opportunities. Charge against the petitioner was framed on 22.02.2017. The said witnesses did not appear before the learned trial court. They were then summoned through bailable warrants vide order dated 24.04.2017 for 23.05.2017. The said witnesses still did not appear. The matter was thereafter adjourned to 26.09.2017 as none of the prosecution witnesses were present. The matter was again adjourned to 17.11.2017. The abovesaid witnesses again did not appear before the learned trial court despite being served for the said date. These witnesses have yet again been summoned for 15.01.2018 through bailable warrants. It is submitted that the complainant as well as the brother and the mother of the deceased are deliberately not coming forward to depose before the learned trial court even though the present petition had been also been adjourned twice to ensure the recording of their statements. No case, it is urged, is made out against the petitioner, who is not involved in any other criminal case. He has been in custody since 31.10.2016. It is thus prayed that this petition be allowed.

Heard learned counsel for the parties.

Learned counsel for the State, on instructions from ASI Jai Karan, verifies the factual aspect about the complainant as well as the mother and brother of the deceased being served and not coming present before the learned trial court for their deposition. It is verified that the petitioner is not involved in any other criminal case. He is in custody since 31.10.2016.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true

facts before the Court, if released on bail.

Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the peculiar facts and circumstances of this case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by Sandeep is allowed. 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 clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

November 22 , 2017.
'om'

(**LISA GILL**)
JUDGE

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