

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

Criminal Misc. No.M- 38398 of 2016(O&M)

Date of Decision: July 17 , 2017.

Ishwar Singh PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Manish Soni, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Ramesh Malik, Advocate
for the complainant.

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.235 dated 15.04.2016 under Sections 304B/498A/34 IPC registered at Police Station Sector 5, Gurgaon, District Gurgaon.

The petitioner is the father-in-law of the deceased. It is submitted that general allegations have been raised against all the family members. The intimation regarding the unfortunate death of the complainant's daughter was

given by the petitioner himself. It is further submitted that the petitioner's wife, who is also an accused in this case, is suffering from cancer. Reference is made to order dated 08.08.2016 passed by the learned trial court whereby the petitioner's wife was afforded the concession of anticipatory bail. It is mentioned in the said order that the petitioner's wife is suffering from cancer since 2011. She has undergone two operations and is facing chemotherapy of six cycles. It is submitted that the petitioner's wife is still undergoing treatment for cancer and is not yet cured of the said disease. The petitioner's other son is serving the Armed Forces. There is none to look after the petitioner's wife. The petitioner, it is submitted, has been in custody since 15.04.2016. Now an application under Section 319 Cr.P.C. has been moved for summoning additional accused in this case. The petitioner, it is submitted, undertakes to face trial and appear on each and every date fixed before the learned trial court. Therefore, it is prayed that this petition be allowed.

Learned counsel for the State, on instructions from SI Mohamad Usman, as well as the complainant opposed this petition on the ground that there are specific allegations against the present petitioner. However, it is not denied that the petitioner's wife is indeed suffering from cancer. Pendency of the application under Section 319 Cr.P.C. for summoning the petitioner's son as an additional accused to face trial is also not in dispute. 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 in the Court, if released on bail.

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 Ishwar Singh is allowed. The petitioner shall 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 made clear that the petitioner shall not try to contact the complainant or any other family member either directly or indirectly in any manner.

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.

July 17 , 2017.
'om'

(**LISA GILL**)
JUDGE

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