

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

Criminal Misc. No.M- 40440 of 2017(O&M)

Date of Decision: December 20 , 2017.

Chander Bhan PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sanjay Vashisth, 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.220 dated 07.10.2016 under Sections 498A/304B/34 IPC, Police Station Badhra, District Bhiwani.

It is submitted that petitioner is the real brother of the father-in-law of the deceased and the paternal uncle (Taya) of the husband of the deceased. The sister of the deceased is married to the son of the present petitioner. There was no question of any demand of dowry etc. by the present petitioner. The petitioner, it is submitted, is sought to be inculpated only because of his

relationship with the husband of the deceased. Moreover, the complainant (PW2) as well as the mother (PW3) and real sister (PW1) of the deceased have not supported the prosecution version. Copies of their statements are attached with this petition as Annexures P3 to P5. Learned counsel for the petitioner submits that the petitioner's first application for bail was dismissed as withdrawn on 28.07.2017 (Annexure P7). The present petition has been filed after the abovesaid material witnesses have deposed before the learned trial court. It is contended that there is no other evidence on record to show the complicity of the present petitioner in this case. He has been in custody since 23.10.2016. It is thus prayed that this petition be allowed.

Heard learned counsel for the parties.

Learned counsel for the State, on instructions from ASI Satish Kumar, is unable to deny that the complainant as well as the mother and the real sister of the deceased have not supported the prosecution case while deposing before the learned trial court. Needless to say, consideration of the effect or otherwise thereof is in the domain of the learned trial court after consideration of the entire evidence on record.

However, the petitioner, who is in custody since 23.10.2016, is not reported to be involved in any other case. 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.

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.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Chander Bhan 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.

December 20 , 2017.
'om'

(**LISA GILL**)
JUDGE

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