

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Hemlata
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CRM-M-43531-2017(O&M)
Date of decision: 22.11.2017

Ram Ratti

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sumit Gupta, Advocate, for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

This is a petition under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.72, dated 27.03.2017, under Sections 302, 201 and 34 of IPC, registered at Police Station Sadar Gohana.

Learned counsel for the petitioner submits that as per allegation in the FIR, which was got registered by one Vicky son of Ranbir Singh, he was having a love affair with deceased Neelam @ Sakshi, who is daughter of the petitioner and the petitioner on seeing her daughter in the company of the complainant had threatened to kill her and in the evening, the complainant came to know that Neelam @ Sakshi died by hanging herself. During the investigation, the petitioner's husband Dharmender and son Jony were arrested and challan was presented under Section 173 Cr.P.C. and the case is now at the stage of prosecution evidence. Learned counsel for the petitioner has further submitted that the complainant has appeared as PW-2 and has not supported the prosecution version and was declared hostile. When the public prosecutor cross-examined him and confronted him with the statement made before the police, he has even denied the same. Learned counsel for the petitioner also submits that the petitioner is a household

lady, aged about 50 years and there is no other family members to look after her house. It is further submitted that except the statement of PW-2, who has been declared hostile, there is no other independent witness cited by the prosecution. Counsel for the petitioner further submits that as per Section 437 (ii) Cr.P.C., petitioner being a lady is entitled for grant of concession of regular bail.

On the other hand, learned State counsel, on instructions from ASI Mahavir, has not disputed the fact that PW-2 i.e. complainant Vicky has been declared hostile and has not supported the prosecution version, however, opposed the bail on the ground that the daughter of the petitioner, namely, Neelam @ Sakshi has died unnatural death. Learned State counsel further submits that there are total 14 witnesses, out of which 2 have been examined.

Without commenting upon the merits of the case and considering the fact that the petitioner is a household lady, aged about 50 years; is not involved in any other case; the only witness of the prosecution has been declared hostile and in view of the fact that 12 prosecution witnesses are yet to be examined, the petitioner is ordered to be released on regular bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/ Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

22.11.2017

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No