

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Criminal Misc. No.M- 44611 of 2016(O&M)

Date of Decision: March 23 , 2017.

Trilok PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Mohan Singh Rana, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Munfaid Khan, 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.95 dated 29.06.2016 under Sections 304B/34/406/498A IPC registered at Police Station Bahin, District Palwal.

It is contended that the petitioner has been falsely implicated in this case. The petitioner and his wife were living together happily without any acrimony. It is further contended that the deceased was unwell prior to her death. The complainant in this case has since been examined. The allegation

in the FIR that she was subjected to physical abuse is not borne out from the medical evidence on record. As per the medical evidence, the exact cause of death could not be ascertained. As per report dated 17.10.2016 of Dr. Shiv Shankar, General Hospital Palwal, it is opined as under:-

“Answer to the questions asked by you in order are –

1. There is no evidence to suggest any poisoning (negative FSL report for common poisons).
2. On post-mortem examination, there were no finding which suggest any disease.
3. After histopathological report, there were no evidence/finding of heart attack.
4. As FSL report for common poisoning and histopathological report of heart are negative and there are no injury mark over body surface. Hence I am of the opinion that exact cause of death cannot be ascertained. However circumstantial evidence may be given due consideration (Negative Autopsy).”

It is thus prayed that the petitioner be granted the concession of bail pending trial.

Learned counsel for the State as well as the complainant have opposed this petition while submitting that there are allegations of dowry being demanded by the accused as well as physical abuse of the deceased. It is however not denied that the cause of death in this case could not be ascertained and neither were any injuries found on the person of the deceased.

This matter was adjourned to ensure that the complainant in this case is examined before the learned trial court. It is informed by learned counsel for the State, on instructions from ASI Abid Hussain, that the

complainant has since testified before the learned trial court. Five out of a total of thirteen prosecution witnesses have been examined. Trial in this case is not likely to conclude in the near future. Further incarceration of the petitioner in the facts and circumstances of the case is not called for.

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 but without commenting upon or expressing any opinion on the merits of the case, this petition filed by Trilok is allowed. The petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds 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.

March 23 , 2017.
'om'

(LISA GILL)
JUDGE

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