IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-45499-2017 (O&M)
Date of decision : 05.12.2017

Rahul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. S.K. Tripathi, Advocate for the petitioner.

Mr. Arun Kumar, AAG, Haryana,
assisted by ASI Anil Kumar.

Mr. Sonu Giri, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.346 dated 31.07.2017, registered under Sections 304-B and 498-A of the Indian Penal Code, at Police Station Pataudi, District Gurugram.

Contends that initially, the FIR was registered against the petitioner and his parents. During the investigation, no incriminating evidence could be collected against his parents. Learned counsel refers to Annexure P-2, affidavit of the complainant, wherein, he has stated that the instant FIR was registered without verifying the facts. The petitioner is in custody since 11.08.2017.

On the other hand, learned State counsel, on instructions, submits that there are specific allegations against the petitioner of harassment on account of demand of dowry. The charges have already been framed and the prosecution has cited 17 witnesses.

Heard.

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The petitioner is behind the bars since 11.08.2017. The charges have already been framed and none out of 17 prosecution witnesses has been examined so far, therefore, it could safely be inferred that the conclusion of the trial may take considerable time. The affidavit of the complainant (Annexure P-2) is also a circumstance in favour of the petitioner.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

05.12.2017 **(JITENDRA CHAUHAN)**
atulsethi **JUDGE**

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No

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