

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

**Crl. Misc. No.M-46333 of 2017 (O&M)
Date of Decision: December 13, 2017.**

Deepak @ Dalip Kumar

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Aditya Sanghi, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0092 dated 07.07.2017 registered for the offence punishable under Section 307 read with Section 34 of Indian Penal Code at Police Station Nathu Sarai Chopta, District Sirsa.

Heard.

Notice of motion.

On asking of the court, Mr. Amrik Narwal, DAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per allegations in the FIR, complainant was being pressurized to live with her husband namely Jagdish by her brother, who is

petitioner-Deepak @ Dalip Kumar and non-applicant-Savitri. On 06.07.2017, Savitri came to the complainant and asked her to accompany her to Sirsa. Her brother also joined her. On the way, when they reached near the canal, she was pushed by petitioner Deepak @ Dalip Kumar and Savitri into the canal. However, she survived as she managed to catch an iron pipe and came out from the canal. While appearing as PW-1 complainant has not supported the prosecution version and stated that she was thrown in the canal by Savitri and not by the petitioner.

Learned State counsel submits that the complainant has named the petitioner in the FIR and in her statement recorded under Section 164 Cr.P.C. by learned Magistrate. The prosecution has yet to prove her statement under Section 164 Cr.P.C. recorded by the Magistrate.

Keeping in view the fact that the complainant has turned hostile and has not supported the prosecution version, and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Deepak @ Dalip Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

c. He shall not leave the country without the prior permission of the Court.

December 13, 2017
Sachin M./Jyoti-II

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>