

Criminal Misc. No. M- 9006 of 2017 (O&M)

Date of decision : September 25, 2017

Jitender alias Jeetu

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Munish Behl, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 445 dated 17.07.2016 under Sections 498A, 406, 304B IPC registered at Police Station Sarai Khawaja, District Faridabad.

It is submitted that the petitioner has been falsely implicated for the unfortunate demise of his wife. No harassment or ill-treatment was ever meted out to the deceased at the hands of the petitioner. This fact has been admitted by the complainant (PW1) in the cross examination conducted on 14.02.2017. The relevant part thereof reads as under:-

“ No demand of dowry was made by accused or in laws of my daughter before marriage and at the time of marriage. I have six children. Their names are Meenakshi, Mamta, Azad, Kajal, Kanchan and Akash. My husband is labourer and some times drives the vehicle, subject to availability. I am doing the job of security guard from the last seven years but I have not brought the record.”

It is further submitted that the alleged incident took place on 05.06.2016. The father of the deceased (husband of the complainant)

suffered a statement on 06.06.2016 itself (Annexure P-2) that none is responsible for the death of his daughter, who had committed suicide by hanging herself in a fit of anger. The complainant i.e. the mother of the deceased had thereafter submitted a complaint on 11.07.2016 raising allegations of demand of dowry and ill-treatment of the deceased by the petitioner. It is submitted that the complainant has already been examined before the learned trial Court. All the material witnesses including the sister as well as parental Aunt (Bua) of the deceased have also testified before the learned trial Court. The petitioner is in custody since 08.10.2016. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Certified copy of the statement of the complainant recorded on 14.02.2017 is taken on record subject to just exceptions.

Learned counsel for the State, on instructions from ASI Pardeep Singh, verifies that the complainant as well as the sister and parental Aunt of the deceased have since testified before the learned trial Court. Learned counsel for the State is unable to deny the statement of the complainant as referred to above. The petitioner is not reported to be involved in any other criminal case.

There are no allegations on behalf of the State that 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. Trial in this case is not likely to conclude in the near future.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted

above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, 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 reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

September 25, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No