

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Crl. Misc. M-13274 of 2018 (O&M)
Date of Decision: April 05, 2018

Deepak Gandhi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sumeet Goel, Advocate and
Ms. Raminder Kaur, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.20 dated 15.01.2017, under Sections 498-A, 304-B, 34 of Indian Penal Code, registered at Police Station City, Bahadurgarh.

Learned counsel appearing on behalf of the petitioner herein would contend that the allegations in the FIR are vague and non-specific, however, under the said FIR the petitioner is in custody since 16.01.2017. It is submitted that several opportunities have already been given to the complainant to step forward and to make her statement. It is argued that the Additional Sessions Judge, Jhajjar by an order dated 03.04.2018 even noted the fact that PWs Amarnath and Sudesh (mother of the deceased as well as author of the FIR) were bound down to appear and despite that fact that they

were bound down, did not appear in the court and nowailable warrants in the sum of ₹ 10,000/- have been issued against them. It is also contended that the petitioner herein has been incarceration over 15 months and would not be in a position influence any of the material witnesses.

Per contra, learned counsel appearing on behalf of the respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, however, he is not in a position to deny the fact that the complainant i.e. mother of the deceased and the father have failed to put in appearance in the court, despite several opportunities having been granted.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 16.01.2017 and that investigation is complete, as the challan has been presented and charges have been framed, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, in case, any attempt is made by the petitioner herein to influence the material witnesses, the State is at liberty to move an application for revocation of the bail order.

April 05, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No