

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

Criminal Misc. No.M- 1479 of 2018(O&M)

Date of Decision: April 5 , 2018.

Nar Singh

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Loveleen Dhaliwal, Advocate
for the petitioner.

Mr. Ashok S.Chaudhary, Addl.AG, Haryana.

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.64 dated 10.04.2017 under Sections 323/34/498A/304B IPC, registered at Police Station Siwani, District Bhiwani.

It is submitted that the petitioner has been falsely implicated in this case. Marriage between the petitioner and the complainant's daughter (the deceased) was solemnized about four years prior to the unfortunate occurrence.

The couple had a two years old son and were living together in the matrimonial

home. It is submitted that there is no evidence on record to show that any kind of complaint had ever been moved during this period of four years regarding any sort of ill-treatment of the deceased at the hands of the petitioner. Moreover, the complainant (PW7) and brother of the deceased (PW8) have not supported the prosecution case while testifying before the learned trial court. Both of them have been declared hostile. It is submitted that the petitioner is not involved in any other criminal case and he undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Photocopies of the statements of PW7 and PW8, furnished in Court today, are taken on record subject to just exceptions.

Learned counsel for the State, on instructions from ASI Vinod Kumar, is unable to deny that the complainant as well as brother of the deceased have not supported the prosecution version before the learned trial court. They have been declared hostile. Needless to say, the effect or otherwise of the said material witnesses not supporting the prosecution case shall be considered by the learned trial court at the appropriate stage. No opinion thereon is being expressed.

The petitioner is not reported to be involved in any other criminal case. No useful purpose would be served by keeping the petitioner incarcerated any longer in the present facts and circumstances of this case. 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 before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. 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 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.

April 5 , 2018.
'om'

(LISA GILL)
JUDGE

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