

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

Crl. Misc. M-16960 of 2018 (O&M)
Date of Decision: May 15, 2018

Hem Bai

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sanjay Vashisth, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG 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.337 dated 04.09.2017, under Sections 304-B, 328, 34 of Indian Penal Code (charged under Sections 498-A, 304-B, 302, 328 read with Section 34 of Indian Penal Code), registered at Police Station Tosham, District Bhiwani.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 09.10.2017, however, despite several opportunities having been granted to the complainant as well as mother of the deceased to come forward and record their statements, they have failed to do so. It is also contended that conclusion of trial, which is deliberately being delayed by the complainant as well as mother of the deceased, will take sufficient time, therefore, the petitioner is entitled to be

enlarged on bail. He places on record zimni orders passed by the trial court in this regard.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature.

I have heard learned counsel for the parties, apart from perusing the pleadings and the zimni orders placed on record.

A perusal of the zimni orders would reflect that Munish Devi, mother of the deceased as well as complainant-Vijaypal, apart from other witnesses, have been summoned by the trial court for 21.02.2018, however, despite service they did not turn up in the court on the date fixed. The matter stood adjourned to 07.03.2018, on which date part statement of mother of the deceased Munish Devi was recorded and the same was deferred in order to file an application under Section 319 Cr.P.C. Thereafter, the matter was adjourned on three occasions and ultimately, the application under Section 319 Cr.P.C. was dismissed. Again the witnesses namely Vijaypal complainant and Munish Devi, the mother of the deceased were summoned for 21.04.2018, however, they did not turn up despite due service of summons and theirailable warrants were ordered to be issued.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 09.10.2017 and that complainant and mother of the deceased are deliberately delaying the trial, 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.

May 15, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No