

Criminal Misc. No. M- 1836 of 2018 (O&M)

Date of decision : March 15, 2018

Balvinder Kumar

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. A.D.S. Jattana, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 88 dated 15.03.2017 under Section 304B IPC (Section 34 IPC added later) registered at Police Station Farakpur, District Yamuna Nagar.

It is submitted that the petitioner, who is the father-in-law of the deceased, has been falsely implicated in this case due to his relationship. The petitioner is stated to be working with the Railways department at the workshop at Jagadhri and his duty is from 9.00 a.m. to 6.00 p.m. He mostly used to be away from home during the entire day because of his working hours. Moreover, the deceased and the petitioner's son did not afford due respect to him. Consequently, the petitioner had disowned his own son and daughter-in-law on 07.01.2015. A publication was made on 08.01.2015. Reference is made to the affidavit and publication (Annexures P-2 and P-3) respectively. It is further contended that no specific allegation of any overt act has been raised against the present petitioner, who has been in custody since 15.03.2017. The petitioner is not involved in any other criminal case. The complainant, in this case, has since testified before the learned trial Court. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties and perused the file.

Certified copy of the statement of the complainant before the learned trial Court, furnished in Court today is taken on record subject to just exceptions.

Learned counsel for the State is unable to deny that the complainant, in this case, has since testified before the learned trial Court. The petitioner is in custody since 15.03.2017. Learned counsel for the State, on instructions from ASI Ram Kumar, verifies that the petitioner is not 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.

March 15, 2018
rts

(Lisa Gill)
Judge

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