

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

CRM-M-1890 of 2018

Date of Decision: 17.02.2018

Harkesh

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Vikram Singh, Advocate  
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

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**MAHABIR SINGH SINDHU, J.(Oral)**

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.37 dated 06.02.2017 registered under Section 302 of the Indian Penal Code registered at Police Station Chandhuth, District Palwal.

It is contended by learned counsel for the petitioner that the petitioner is in custody since 06.02.2017 and both the material witnesses i.e. PW-1(Bir Singh-father of the deceased) & PW-2 (Rakesh-brother of the deceased) have not supported the prosecution case; rather in clear terms they have stated that they have no doubt about the involvement of the present petitioner regarding the commission of offence. It is further contended that the petitioner and deceased were having two minor children, aged about one year and three year respectively and there is no one to look after them.

Learned State counsel has opposed the bail application on the premises that death in this case is within seven years of marriage.

Heard learned counsel for the parties and perused the paper book.

Although, the factum of death within seven years of marriage is not in dispute, but in view of the fact that both the material witnesses i.e. father and brother of deceased (PW1 and PW2) have not supported the prosecution case and there is no one to look after the minor children, no useful purpose would be served by keeping the petitioner behind the bars any more. Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Harkesh be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

**[MAHABIR SINGH SINDHU]**  
**JUDGE**

February 17, 2018  
*rashmi*

Whether speaking/reasoned  
Whether reportable?

yes/no  
yes/no