

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

Criminal Misc. No.M-20381-2018 (O&M)

Date of Decision: May 21, 2018.

DEVENDER

..... PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. I.S. Khosa, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, 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.639 dated 05.10.2017, under Sections 302 and 34 of IPC (final report under Section 173 Cr. P.C presented under Sections 306 and 34 IPC), registered at Police Station Sonapat City, District Sonapat, Haryana.

It is submitted that though the FIR was registered under Sections 302, 34 IPC but the petitioner is being proceeded against for the offence punishable under Sections 306 and 34 IPC and the ingredients of the said offence are also not made out against the petitioner. The cause of death was opined to be asphyxia due

to hanging, while the complainant initially stated that his daughter i.e. the petitioner's wife was done to death by causing injuries to her. No injuries were however detected on the person of the deceased. Moreover, the complainant-PW2 (father of the deceased) as well as PW-1 (parental uncle of the deceased) have not supported the prosecution case. Both of them have been declared hostile. The petitioner, it is submitted, undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the State is unable to deny that the complainant i.e. father of the deceased and her brother have indeed not supported the prosecution case. They have been declared hostile. However, it is contended that initially specific allegations were raised against the petitioner.

Be that as it may, appraisal of the evidence on record and the effect or otherwise of the complainant or his brother not supporting the prosecution case subsequently, is in the domain of the learned trial court. No opinion is being expressed thereon.

Learned counsel for the State, on instructions from HC Satinder Kumar, verifies that the petitioner is not reported to be involved in any other criminal case. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the 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.

May 21, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No