

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

**Criminal Misc. No.M-42410 of 2017(O&M)
Date of Decision: January 18, 2018.**

Nanak Chand

Petitioner.

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sukhdeep Singh Bhinder, Advocate
for Mr. Vaibhav Prashar, Advocate
for the petitioner.

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

LISA GILL, J.

Petitioner, who is father-in-law of the deceased seeks the concession of bail pending trial in FIR No.434 dated 24.05.2017, under Section 304 (B) and 34 IPC, registered at Police Station Camp Palwal, Palwal.

It is submitted that no specific allegation has been raised against the present petitioner. A separate kitchen had been provided for the deceased and the petitioner's son. The petitioner, it is submitted was on duty from 8 am to 11 am and he had rushed home on hearing news of the unfortunate incident. The complainant in this case, it is submitted has since deposed before the learned trial Court. The co-accused are in custody. It is further submitted that there is no

question of demand of dowry, especially a swift car from the complainant, who is admittedly a labourer. The present petitioner wished to give a part of his property to his grandson (daughter's son) who alongwith the petitioner's daughter was living with the petitioner after the death of the petitioner's son-in-law. This was not to the liking of the deceased who was upset on this account. It is thus prayed that this petition be allowed.

Photocopy of the statement of the complainant-PW-1, furnished in Court is taken on record subject to just exceptions.

Heard learned counsel for the parties.

Learned counsel for the State has opposed this application but is unable to deny that the complainant in this case has since testified before the learned trial Court. It is verified on instructions from ASI Mahesh Kumar, Police Station Camp Palwal, that the petitioner is not reported to be involved in any other criminal 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 in Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Nanak Chand, 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.

18.01.2018

s.khan

[LISA GILL]

Judge

Whether speaking/reasoned

:

Yes/No.

Whether reportable

:

Yes/No.