

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-45163 of 2018 (O&M)

DATE OF DECISION:17.11.2018

Jai Parkash

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Vinod Ghai, Senior Advocate with
Mr. Angel Sharma, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

DAYA CHAUDHARY, J.

Crl. Misc. No. 40580 of 2018

This application has been filed for placing on record Annexures
P-6 and P-7.

Application is allowed and Annexures P-6 and P-7 are taken on
record.

Crl. Misc. No. M-45163 of 2018

The present petition under Section 439 Cr.P.C. has been filed
for grant of regular bail to petitioner-Jai Parkash in case FIR No. 312 dated
21.5.2018 registered under Sections 323,328,342,506,34 IPC at Police
Station Samalkha, District Panipat.

Learned counsel for the petitioner contends that the petitioner
along with all his family members, uncle and aunt has falsely been

implicated in this case, whereas, he was not involved. The complainant was taken to the hospital by her husband-Parveen along with petitioner and other family members. The petitioner himself was in shocking state of mind on account of death of his mother. Learned counsel further contends that the complainant wanted to live with her husband separately from her matrimonial home and due to this reason, she along with her husband left the matrimonial home in the year 2012 immediately after her marriage. Co-accused Parveen also filed petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights, wherein, the matter was compromised between the parties and complainant joined the matrimonial home. In the year 2016, again the complainant left the matrimonial home leaving behind her minor daughters, who were taken care of by her husband-Parveen and his family members including the petitioner. Learned counsel also contends that the complainant in connivance with her mother and brother has concocted a false story and got the FIR registered. The matter was thoroughly investigated by DSP, Samlakha, who recommended not to file challan as there was no sufficient evidence against Parveen and the petitioner. It is also the argument of learned counsel that PW-1 and PW-2, namely, Usha Devi (complainant) and Phoolpati have not supported the case of the prosecution. The petitioner is in custody 5.6.2018 and no purpose would be served by keeping the petitioner behind the bars.

Learned counsel for the respondent-State has not disputed the custody period, stage of the trial and also the fact that case of prosecution has not been supported by PW-1 and PW-2, namely, Usha Devi (complainant) and Phoolpati

Heard the arguments advanced by learned counsel for the

parties and have also gone through the contents of the FIR as well as other documents available on the file.

Keeping in view the submissions made by learned counsel for the petitioner and also the facts that PW-1 and PW-2, namely, Usha Devi (complainant) and Phoolpati have not supported the case of the prosecution; the petitioner is in custody since 5.6.2018 and trial may take long time to conclude, the present petition is allowed. Petitioner-Jai Parkash is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

November 17, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes