

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

**Crl. Misc. No. M-48500 of 2017
Date of Decision : January 10, 2018**

Pawan alias Ponu.....Petitioner

Versus

State of Haryana..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Ramesh Malik, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

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LISA GILL, J. (Oral)

Petitioner seeks the concession of bail pending trial in FIR No. 182 dated 14.06.2017 under Sections 304-B, 34 IPC registered at Police Station Sadar Gohana District Sonapat.

It is submitted that the above said FIR was registered due to certain misconception which was harboured by the complainant side. Real sister of the deceased is married to one of the petitioner's brother namely Dinesh. There was no question of any demand of dowry by the present petitioner or his family members. It is further submitted that the complainant i.e. the brother of the deceased namely Anil Kumar PW1 and another brother of the deceased namely Sunil Kumar (PW2) have not supported the prosecution version while deposing before the learned trial

Court. Both the said witnesses have been declared hostile. The petitioner has been in custody since 29.06.2017 and is not involved in any other criminal case. Therefore, this petition be allowed.

Certified copies of the statement of PW1 Anil Kumar and PW2 Sunil Kumar filed in Court today are taken on record subject to just exceptions.

Learned counsel for the State submits that it is possible that the said witnesses may have been prevailed upon and therefore they did not support the prosecution case. It is however not denied that the said witnesses have indeed been declared hostile as they have not supported the prosecution version. Needless to say appreciation of the evidence on record is in the domain of the learned trial Court and the exercise shall be undertaken by the learned trial Court in this respect.

Learned counsel for the State, on instructions, from ASI Samunder Singh, verifies that the petitioner is not involved in any other criminal case. He has been in custody since 29.06.2017. There are no allegations that the 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 of the 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 of the case 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.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

10.01.2018
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned	Yes / No
Whether Reportable:	Yes / No