

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

Criminal Misc. No.M-16137 of 2019

Date of Decision: 23.07.2019

Ajay

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Manish Mehta, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.286 dated 04.08.2018 under Sections 498A, 304B and 328 IPC registered at Police Station Kanina, District Mahendergarh.

Learned counsel for the petitioner submits that the deceased Premlata @ Kiran was married to the petitioner on 30.04.2017 and she died on 01.08.2018 after consuming poison. The FIR was registered at the behest of Raj Pal father of deceased, wherein it was alleged that the deceased was pregnant at the time of her death but no such mention was made in the post-mortem report. He has further argued that though the deceased had died on 01.08.2018 but the FIR was registered on 04.08.2018 i.e. after a delay of 3 days. Even Rajpal, father of the deceased, has appeared as PW-1 and has not supported the case of the prosecution.

Rather, he has stated that the deceased committed suicide due to mental

disturbance. She could not adjust in the family as the petitioner was 10+2 and unemployed whereas the deceased was a graduate. Therefore, in view of the statement of the complainant, chances of conviction of the petitioner are quite bleak. The petitioner is in custody since 17.08.2018 and trial is not likely to be concluded in the near future.

Learned State counsel, on instructions from ASI Rajesh Kumar, does not dispute the custody of the petitioner. She has fairly stated that Rajpal, who is the complainant in the case, has not supported the case of the prosecution and rather, he has been declared hostile.

I have heard learned counsel for the parties.

Admittedly, the complainant Rajpal, who is father of the deceased, has not supported the case of the prosecution, while appearing as PW-1 and has rather stated that deceased had died due to mental disturbance. The petitioner is in custody since 17.08.2018 and trial in the case will take sufficiently long time. Therefore, this Court finds that the petitioner deserves to be released on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that petitioner shall not influence the other witnesses. Needless to say that the observations made hereinabove shall not construe any expression on the merits of the case.

July 23, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No