

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-38000-2018(O&M)

Date of Decision:31.01.2019

Rakesh Kumar

.....Petitioner

Versus

State (U.T. Chandigarh)

.....Respondent

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

Present: Mr. Mohit Jaggi, Advocate,
for the petitioner.

Mr. Kuldeep Tiwari, Addl. P.P.
for U.T., Chandigarh.

Mr. R.S. Sekhon, Advocate for
Mr. Amandeep Rana, Advocate,
for the complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.0044 dated 26.02.2018 under Section 306 IPC, registered at Police Station IT Park, Chandigarh.

The aforesaid FIR was registered on the statement of Nanhi Devi, mother of deceased-Rajeshwari, who got married with the petitioner in the year 2009. Two children are born out of this marriage. The deceased has died because of consuming some insecticide containing component of aluminium phosphide.

Learned counsel for the petitioner has argued that though the FIR was registered on 26.02.2018, the complainant has not been examined despite the fact that charges in the case were framed on 29.11.2018. The petitioner is in custody since 22.07.2018. Two children born out of the

Wedlock are with the grandmother, who are suffering adversely. The

allegations of demand of dowry that too after more than 09 years, are false. Interestingly, no suicide note was left out by the deceased at the time of her death.

On the other hand, learned counsel appearing on behalf of UT, Chandigarh as well as counsel for the complainant submit that the case is fixed for prosecution evidence and out of total 19 witnesses, one police official has been examined. The allegations against the petitioner are serious. He is a single accused in the case, therefore, the possibility of involving him in a false case is completely unbelievable.

I have heard learned counsel for the parties.

Considering the fact that Deceased-Rajeshwari has died after about 09 years of marriage, the allegations of demand of dowry are yet to be established during the course of trial. The petitioner is in custody since 22.07.2018 and as against total 19 witnesses cited by the prosecution, only 01 witness has been examined so far. This Court finds that trial in the case will take sufficient long time.

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 the observations made hereinabove shall not be construed as an expression on the merits of the case.

However, petitioner shall not extend any threat and shall not try to influence any prosecution witnesses in any manner directly or indirectly.

January 31, 2019
seema

(HARI PAL VERMA)
JUDGE

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