

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

211

CRM-M-21096-2019

Date of Decision :02.07.2019

Gulshan

.... Petitioner.

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to petitioner-Gulshan in case FIR No.138 dated 05.07.2018 under Sections 120-B and 302 read with Section 34 IPC, registered at Police Station Bond Kalan, District-Charkhi Dadri.

Learned counsel for the petitioner states that the marriage of Gulshan with deceased Sunita was solemnized in the year 1999. He further states that the allegations against the petitioner-Gulshan are regarding demand of dowry and ultimately Gulshan left his wife at her parental home. After the settlement, Sunita returned to her matrimonial home. Later brother of Sunita, namely, Laxman (complainant) was informed on 04.07.2018 that Sunita had died. Accordingly, the present FIR was registered. Learned counsel for the petitioner further pointed out that Laxman, the author of FIR has been declared hostile. Learned counsel has drawn attention of this Court

to the statement of Laxman, who appeared as PW-4, which is reproduced hereinunder:-

“ Stated that my sister namely, Sunita and Anita were married in village Bond Kalan with Gulshan and Mukesh. My sister Sunita had died but I do not know about her death. Accused Gulshan and Krishna are innocent and they had not committed any offence against my sister.”

Learned counsel for the petitioner further points out that even the wife of Laxman i.e. Meena PW-3 has also turned hostile and similar is the position of PW-5 and PW-6, respectively. The other co-accused Krishna, who is the mother-in-law of deceased-Sunita, has been granted regular bail on 26.11.2018.

On the other hand, learned State counsel on the instructions from Head Constable Pradeep Kumar has stated that the witnesses who were declared hostile, are not the eye witnesses. He further states that out of 19 PWs, only 8 PWs have been examined and the case is fixed for 12.07.2019.

I have heard learned counsel for the parties.

The allegation against the petitioner is that he along with his mother Krishna has committed the murder of Sunita on 04.07.2018 regarding which the present FIR was registered. Marriage in this case was solemnized in the year 1999 and after registration of the FIR the prosecution witnesses have turned hostile. Even co-accused Krishna has been granted regular bail by this Court, vide order dated 26.11.2018.

Accordingly, the petition is allowed and petitioner-Gulshan is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

However, it is made clear that the observation made above shall be confined to the present petition and the same shall not be construed to be an expression of opinion on the merits of the case.

02.07.2019
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(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes / No*

Whether Reportable : *Yes / No*