

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-52559-2018 (O&M)

Date of Decision:-03.05.2019.

Harjinder Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Manuj Nagrath, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

RAJ SHEKHAR ATTRI, J.

CRM-13697-2019

CRM is allowed as prayed for subject to all just exceptions.

Statements of prosecution witnesses as Annexure P-5 (Colly) are taken on record.

CRM-M-52559-2018

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.38 dated 08.04.2016, registered under Sections 302/34 IPC (alternative charge under Section 304-B IPC added later on) at Police Station Machhiwara, District Ludhiana.

It is argued that in the FIR, there is no allegation with regard to the demand of dowry. Even in the deposition of PW-1, no case is made out for demand of dowry and that PW-5 Assistant Sub Inspector Joginder Singh in his cross-examination has admitted that there was no allegation of demand of dowry or harassment due to demand of dowry. Therefore,

death.

The cause of death in the present case is consumption of poison in the matrimonial home.

Learned State counsel submitted that prosecution witnesses have been examined.

The petitioner is in custody since 24.04.2016. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Harjinder Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the prior permission of the Court.

(RAJ SHEKHAR ATTRI)
JUDGE

May 03, 2019.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.