

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

228

CRM-M-33013-2019

Date of Decision:16.09.2019

Sohan Lal @ Sonu

.....Petitioner

Versus

State of Haryana

.....Respondent

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

**Present: Mr. R.A. Sheoran, Advocate,
for the petitioner.**

Ms. Gaganpreet Kaur, AAG, Haryana.

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.323 dated 21.07.2018 under Sections 304-B/34 IPC, registered at Police Station Tosham, District Bhiwani.

Learned counsel for the petitioner has argued that the petitioner has solemnized marriage with deceased-Rajesh on 20.11.2016. On the relevant date, when she committed suicide, brother of the deceased was there in the house. There is no allegation against the petitioner that he (petitioner) and his other family members demanded dowry. Merely because she died within seven years of marriage, petitioner has been booked under Section 304-B read with Section 34 IPC. There is no pathology report, so as to establish involvement of the petitioner in the crime. In the absence of pathology report, case is being adjourned by the trial Court repeatedly. Petitioner is in custody since 02.08.2018.

Learned State Counsel, on instructions from ASI Om Parkash, does not dispute the custody period. However, she states that pathology report in the case is awaited.

Heard learned counsel for the parties.

The petitioner is in custody since 02.08.2018 and the case is being adjourned repeatedly because of pathology report which has not been received despite having been granted three opportunities. As against total 14 witnesses cited by the prosecution, though 13 witnesses have been examined so far and the case is now fixed for 18.09.2019 before the trial Court, but even as on date, pathology report has not been received in the case. In this manner, the prosecution is not able to adduce evidence despite opportunities as regards the pathology report. Therefore, this Court deems it appropriate to admit the petitioner 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.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case. The trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

September 16, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No