

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

CRM-M-36656 of 2019.
Decided on:- October 04, 2019.

Ashok Kumar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Sudhir Kashyap, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., 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.359 dated 28.07.2018 under Sections 323, 498-A and 307 read with Section 34 IPC registered at Police Station Kundli, District Sonapat.

Learned counsel for the petitioner states that the petitioner is in custody since 31.07.2018. FIR in the case was registered on 28.07.2018, whereas the alleged incident had taken place on 20.07.2018. The marriage between the petitioner and the victim was solemnised in the year 2004 and out of this wedlock, there are two children to the parties. The allegation of demand of dowry and that too after 14 years of marriage is too unrealistic to digest. Thus, there is an inordinate delay in registration of the FIR.

He has further argued that brother of the victim is working in Haryana Police and is posted in the same Police Station, where the FIR was registered. As against 9 witnesses cited by the prosecution, no prosecution witness has been examined in the case though the charge was framed against the petitioner on 15.01.2019. In this manner, the petitioner is languishing in jail due to the fault of the prosecution.

Learned State counsel, on instructions from ASI Subhash Chander, has argued that for the alleged incident, a telephonic call was received on 21.07.2018 to the effect that the victim, who happens to be the wife of the petitioner is admitted in Government Hospital, Sonapat due to hanging. Thereafter, she was taken to Bhim Rao Hospital, Rohini. The doctor had informed the concerned police official that the victim was unfit to make the statement on 23.07.2018, 24.07.2018 and on 28.07.2018. In this manner, the delay in lodging the FIR is well explained.

I have heard learned counsel for the parties.

The petitioner is in custody since 31.07.2018. The charge was framed in the case on 15.01.2019 and no prosecution witness has been examined in the case. In this manner, the trial is not likely to be concluded in near future. Thus, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

October 04, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No