

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-37594 of 2019

Date of Decision: 25.09.2019

Satbir

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Mr. Ravi Malik, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.166 dated 23.04.2019 under Sections 304-B IPC registered at Police Station Gannaur, District Sonapat.

Learned counsel for the petitioner has argued that for similar allegations, the wife of the petitioner was found innocent, whereas challan has been presented against the petitioner. The deceased had died because of hanging and there is no allegation that she was strangled. In fact, the petitioner is working in a factory at Rai, Industrial Estate, Sonapat, where biometric attendance is compulsory for all the employees. The petitioner had duly marked his presence on the day of alleged occurrence at 9.33 A.M., however, still he has been implicated in the present case. The petitioner is in custody since 04.05.2019.

Learned State counsel, on instructions from ASI Satish Kumar, submits that it is on the basis of fair investigation, wife of the petitioner was found innocent. Merely because the petitioner was not present at the time when the deceased had died, is no ground to accept his plea of *alibi*.

I have heard learned counsel for the parties.

The plea of *alibi* raised on behalf of the petitioner that on the alleged date of occurrence, he was on his duty in the factory at Rai, Industrial Estate, Sonapat, where he had duly got his presence marked through biometric attendance, is yet to be decided during trial. Thus, the culpability of the petitioner is yet to be decided. Considering the fact that the victim has died because of hanging and the petitioner, who is father-in-law of the deceased, is in custody since 04.05.2019 and trial in the case will take sufficiently long time, I deem it appropriate to release him on regular 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 observations made hereinabove shall not be construed as any expression of any opinion on the merits of the case.

September 25, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No