

227.

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

CRM-M-47960-2019

Date of decision: 11.12.2019

ASFAK

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Anirudh Singh Shera, Advocate, for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Sarfraz Hussain, Advocate, for the complainant.

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, pending trial, in case FIR No.205 dated 14.05.2019 registered under Sections 148, 149, 323, 506, 328, 498-A of IPC at Police Station Ferozepur Jhirka, District Nuh.

Counsel for the petitioner has argued that apart from the fact that the petitioner is in custody since 06.08.2019, no prosecution witness has been examined in the case. The complainant has named as many as 9 persons as accused in the case and during investigation, 7 persons have been found innocent. The petitioner is brother-in-law of the complainant. The allegation, if any, is against the husband-Murtaza.

Counsel for the complainant has argued that the case before the trial Court is fixed for prosecution evidence on 14.01.2020 and considering the nature of injuries on the person of complainant which contains 6 injuries on her person and the nature of allegation whereby the petitioner along with

the co-accused have administered poison to the complainant which has duly been established in the medical, the petitioner does not deserve to be admitted on bail.

I have heard learned counsel for the parties.

Petitioner is an unmarried brother-in-law of the complainant. The marriage between the complainant and petitioner's brother was solemnized 15 years back and they have 5 children from the said marriage. Noticing the fact that the complainant has named as many as 9 accused in the case and 7 accused have been found innocent, this Court finds that the culpability of the petitioner is yet to be established during the trial.

Considering the custody and the trial in the case is not likely to be concluded in the near future, 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 his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

11.12.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No