

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-51988 of 2018 (O&M)
Date of decision : May 31, 2019

Manoj

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. RN Lohan, Advocate, for the petitioner
Mr. Baljinder Virk, DAG, Haryana for the State with
HC Balwan Singh, PS Jind City, Jind.

Fateh Deep Singh, J. (Oral)

Petitioner Manoj who is an accused in case FIR No. 350 dated 30.6.2018 under Sections 304-B and 34 IPC, PS Jind City, District Jind has sought regular bail in this application under Section 439 Cr.P.C.

The brief allegations that have come about in this case are that the petitioner and deceased Shagun entered into a wedlock and thereafter obtained protection orders dated 20.4.2012 Annexure P/1. It is claimed that the petitioner-husband subsequently managed

to kill his wife and it is on the basis of this allegation of the complainant parents of the girl that she was murdered on account of demand of dowry, the present case was got registered.

Mr. RN Lohan, learned counsel for the petitioner has contended that from the medical evidence no specific cause of death has come about and that it was a natural death for which the disgruntled parents have lodged the present case against the petitioner as it was a run away inter-caste marriage submitting that the petitioner is behind the bars since a long time.

Learned State counsel on instructions from HC Balwan Singh have vehemently opposed the grant of relief on the grounds of heinousness of crime and seriousness of allegations.

Going through the submissions, to the specific query of the Court, learned State counsel could not bear out any documentary medical opinion as to the cause of death or being an unnatural one and which as is duly acceded to at the bar by the learned State counsel has not been established. Thus, a debatable issue arises over the very allegations of the prosecution and the applicability of offence under Section 304-B IPC. The petitioner is behind the bars since a long time and the trial is not likely to be concluded in near future and thus no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the

satisfaction of learned Chief Judicial Magistrate/Duty Magistrate,
Jind.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

May 31, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No