

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

CRM-M-40469-2020 (O&M)
Date of decision : 10.12.2020

Surender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ankur Lal, Advocate
for the petitioner.

Mr. Vivek Saini, Addl. A.G., Haryana.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

This second petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No. 23 dated 26.01.2020 registered under Section 306 of Indian Penal Code at Police Station Industrial Area, District Bhiwani.

Learned counsel for the petitioner states that ingredients of Section 306 IPC are not made out in the present case. Learned counsel for the petitioner refers to zimni order dated 23.11.2020 to contend that learned counsel for the petitioner/accused requested for recording of the evidence of the witnesses present on that date, as the accused had no objection in recording the evidence in the presence of his advocate. However, learned counsel for the complainant requested for short adjournment. Therefore, learned counsel for the petitioner states that the complainant is deliberately

the second marriage of the deceased. The deceased committed suicide after approximately three years of marriage. The family of the petitioner has been raising the children of the deceased from the previous husband. However, three/four days back, the children have been taken away by the first husband of the deceased.

On the other hand, learned State counsel seeks dismissal of the present petition as the material witnesses have not been examined so far.

Heard.

Considering the conduct of the complainant; on 23.11.2020, two of the material witnesses, namely, Firoz and Munni Devi present in the Court refused to get themselves examined; out of ten witnesses only four have been examined so far; the petitioner is in custody since 26.01.2020 and in view of the prevailing Covid-19 situation, the Court feels that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing indemnity bonds with two local sureties to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

10.12.2020
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No