

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

**CRM-M-53078-2019
Decided on : 27.02.2020**

Deepak

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. N.S. Shekhawat, Advocate
for the petitioner(s).

Mr. D.R. Singla, DAG, Haryana
assisted by SI Dev Singh.

Mr. Raj Kumar Rana, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 29, dated 09.03.2018, under Sections 323, 302, 304-B and 34 IPC, registered at Police Station Shahzadpur, District Ambala.

Learned Counsel for the petitioner *inter alia* submits that false allegations have been levelled against the petitioner, who happens to be the husband of the deceased of strangulating her throat, which led in her death. It has been further submitted that the postmortem report reveals that it was not a case of homicidal strangulation, but suicide. It has also been submitted that on a perusal of the allegations levelled in the FIR, the ingredients to attract the mischief of Section 304-B IPC are clearly amiss, inasmuch as, no allegation of any harassment, much less, cruelty having been meted out to the deceased, soon before the occurrence in question has been spelt out in connection with the demand of dowry. It has

also been submitted that the petitioner is behind the bars since 09.03.2018.

Learned State counsel as well as learned counsel for the complainant have vehemently opposed the grant of concession of regular bail to the petitioner by urging that there are serious allegations levelled against the petitioner, who happens to be the husband of the deceased, in the FIR in question.

Learned State counsel has apprised the Court that out of 25 prosecutions witnesses cited, 20 witnesses have been examined till date and the rest of the prosecution witnesses are likely to be examined on the next date of hearing i.e. on 28th February, 2020.

Heard.

Be that as it may, the fact of the matter is that the petitioner is behind the bars since 09th March, 2018 and the trial is unlikely to conclude in the near future. Hence, no useful purpose would be served in keeping the petitioner behind bars. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 27, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*