

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
203 (PROCEEDINGS THROUGH V.C.)

CRM-M-1974-2021

Date of decision: 29.01.2021

RAVINDER

...*PETITIONER*

V/S

STATE OF HARYANA

..*RESPONDENT*

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Lekh Raj Sharma, Advocate,
and Mr. Abhishek Sharma, Advocate,
and Mr. Sagar Sharma, Advocate,
for the petitioner.

Ms. Shubhra Singh, Addl. A.G. Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail in case FIR No. 83 dated 10.06.2020 primarily under Section 304-B read with Section 34 IPC but later on, Section 304-B/34 IPC were deleted, at Police Station Kunjpura, Tehsil and District Karnal.

It is the contention of the learned counsel for the petitioner that the FIR, which was registered initially against the petitioner and the co-accused, was under Section 304-B and 34 IPC, however, challan has been presented under Section 306 IPC only against the petitioner. He contends that the allegations, which have been made in the FIR, are based upon the statement of the father of the deceased, who is the complainant.

On a question being put by the Court, it was asserted by the counsel for the petitioner that the petitioner is in custody since 10.06.2020, challan has been presented on 24.08.2020 and since then, no proceedings have taken place before the trial Court. As per the information given by the learned counsel for the State, the next date of hearing before the trial Court is 03.02.2021 for appearance of the accused. Accordingly, it is asserted that the trial is not likely to conclude in near future. There are 17 witnesses,

which the prosecution intends to examine with not even charge having been framed and the allegations, which have been made in the FIR, are not found to be substantiated especially in the light of the challan, which has now been presented, he prays that the petitioner be granted the concession of bail.

On the other hand, learned counsel for the State submits that the deceased, who was the wife of the petitioner, had died because of poisoning and that too, in the matrimonial house. It is the petitioner who is responsible for explaining the unnatural death of his wife. She, therefore, contends that the petitioner be not granted the concession of bail.

Having considered the submissions made by the learned counsel for the parties and keeping in view the fact that although the FIR was registered under Sections 304-B and 34 IPC at the initial stage but the challan has only been presented under Section 306 IPC and the petitioner is in custody since 10.06.2020 with the challan having been presented and the trial is not proceeding in the matter as it is brought to the notice of the Court that the next date of hearing before the trial Court is 03.02.2021 and that too, for appearance of the accused with no charge having been framed, the present petition is allowed. Petitioner is directed to be released on regular bail on furnishing bail bonds to the satisfaction of the Trial Court/Duty Magistrate/Chief Judicial Magistrate, Karnal.

Any observations made herein above shall have no bearing on the merits of the case.

January 29, 2021

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No