

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

217

**CRM-M-23293-2021
Decided on : 05.10.2021**

Nasib Kumar @ Nasib Singh

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Krishan Singh, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana
assisted by ASI Satpal Singh.

Mr. Ranjit Saini, Advocate
for respondent No.2 (complainant).

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 71, dated 13.03.2021, under Sections 304-B, 34 of IPC (later on offence under Section 34 of IPC was deleted, as during investigation Puran Chand, Leela Devi, Bir Singh @ Beera and Sunita @ Sobha were found innocent), registered at Police Station Bilaspur, District Yamuna Nagar (Annexure P-1).

It has been submitted that the petitioner, who has been in custody since 14th March, 2021, is innocent and has been falsely implicated in the case in hand on the allegations that on account of the harassment meted out to his wife, she hanged herself to death. Learned counsel further submits that his false implication in the case in hand, finds credence from the fact that the material witnesses including the complainant i.e. father of the deceased and the mother of the deceased did not support the case of the prosecution during trial and were thus declared hostile. A prayer has,

therefore, been made to extend the concession of bail to the petitioner, as his further incarceration would not serve any useful purpose.

Per contra, learned State counsel assisted by learned counsel for respondent No.2 (complainant), on instructions from ASI Satpal Singh, has not been able to controvert the factum of the material witnesses i.e. the complainant and well as the mother of the deceased, not supporting the case of the prosecution during trial. She has submitted that the prosecution evidence is underway.

I have heard learned counsel for the parties and perused the material on record.

In the facts and circumstances of the case as enumerated hereinabove, there is no likelihood of the trial concluding anytime in the near future. Accordingly, the petition is allowed. The petitioner be admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 05, 2021

J.Ram

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