

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-39959 of 2021
Date of Decision : 27.10.2021

Nirottam

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Tanmoy Gupta, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Deepender Singh, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.669 dated 03.09.2018 registered under Sections 304-B, 34, 498-A of the IPC (Section 406 of the IPC added later on) at Police Station Sadar Palwal, District Palwal.

Learned counsel for the petitioner submits that on an earlier occasion, the petitioner had approached this Court seeking grant of regular bail being CRM-M-10644 of 2020 but, the same was withdrawn by the petitioner as the complainant and the material witness namely, Meena were yet to be examined. Learned counsel for the petitioner submits that the prosecution witnesses are taking advantage of the same and are not coming forward for their testimony, for which, the trial Court has even issued arrest warrant against one of the material witness namely, Meena, who is the younger sister of the deceased and is married in the same matrimonial home

as her deceased sister Learned counsel for the petitioner submits that now the next date of hearing before the trial Court is 02.12.2021 and the petitioner apprehends that even on the said date, the complainant and the material witness namely, Meena will not tender their testimony on one or the other pretext,.

Learned counsel appearing for the complainant submits that on 22.10.2021 i.e. last date of hearing before the trial Court, both the complainant as well as material witness, Meena were present for their testimony but, as the Presiding Officer was on leave, the case was adjourned to 02.12.2021, on which date, the complainant as well as the said material witness, Meena will tender their testimony without any fail.

Learned counsel for the petitioner submits that keeping in view the said undertaking given by the learned counsel for the complainant, the petitioner does not press the present petition, at this stage but, prays that a direction be issued to the trial Court to ensure that the complete testimony of the complainant as well as material witness namely, Meena is tendered on the adjourned date i.e. 2.12.2021.

Keeping in view the facts and circumstances of the present case, the trial Court is directed that on the next date of hearing before the trial Court i.e. 02.12.2021, complete testimony of complainant as well as the material witness namely, Meena, be recorded keeping in view the undertaking given by the learned counsel for the complainant.

Present petition stands disposed of in above terms.

October 27, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No