

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.36434 of 2020 (O&M)

Date of Decision:31.08.2021

(Heard through VC)

Prince @ Nathu Ram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Hakam Singh, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.88 dated 28.04.2019 under Sections 304-B, 34 IPC registered at Police Station Ellenabad, District Sirsa.

Counsel for the petitioner would contend that petitioner has been falsely implicated in the said matter and is in custody for more than 2 years. It is submitted that marriage has been solemnized between the petitioner and deceased in the year 2017 and a male child was born out of the said wedlock. It is further submitted that there are general allegations that the petitioner and his family members used to demand dowry from family of the deceased but there is no evidence on record to show that demand of dowry has ever been raised by the petitioner and his family members. It is further contended that there is no evidence on record to show that injuries have been inflicted upon the deceased by the petitioner and she has ever been subjected to cruelty and harassment by the petitioner. It is argued that material witnesses have been examined and therefore likelihood of the petitioner herein influencing them

would not arise. Apart from that, the minor child is being looked after by mother of the petitioner and there is no other male member in the house to support them, as his brother, who had been nominated as an accused in the said case committed suicide after being released on regular bail as he could not withstand the defamation. It is also argued that the investigation has been completed and challan stands presented, therefore, custody of the petitioner would no longer be required.

Learned counsel for the respondent-State on instructions from SHO Radhey Sham would oppose grant of bail to the petitioner by contending that the allegations levelled against him are serious in nature, however, she does not dispute the fact that investigation has been completed and challan stands presented.

I have heard counsel for the parties. Keeping in view the fact that investigation has been completed and challan stands presented and material witnesses have already been examined and the fact that trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

August 31, 2021
P.Bhatt

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No