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

CRM-M-40443-2020

Date of decision-08.02.2021

Sarjeet

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.321 dated 18.10.2019 registered under Sections 302, 304-B, 498-A and 34 Indian Penal Code, 1860 at Police Station Nangal Chaudhary, District Mahendergarh. The petitioner is in custody since his arrest on 07.11.2019.

The FIR in the present case was registered on the basis of a complaint moved by Kailash Chand to the effect that he had two daughters, namely, Ganesh and Tinu and on 21.11.2016, both of them were married to Sarjeet (petitioner) and Ajay Singh who are sons of Sh. Attar Singh. After ten days, Sarjeet, his mother Omwati, Sandeep and Ajay (brothers of petitioners) started giving beatings to complainant's daughter and demanded dowry. Many a times, in-laws of Ganesh were made to understand. When Pardeep, brother of Ganesh went to meet her at her in-laws house, he was also maltreated by them and Ganesh disclosed Pardeep that her husband,

Sarjeet (petitioner), mother-in-law-Omwati, Dewar-Ajay and Jeth-Sandeep used to harass her and gave beatings to her. Ganesh (victim) was given beatings at her matrimonial house and some intoxicant poisonous substance had been administered to her leading to her death.

Learned counsel for the petitioner has argued that the sister of the victim was also married with the brother of the petitioner and she is still residing with him. He has pointed out that the allegations in the FIR were made against the four accused persons including the petitioner, his mother and his brothers-Sandeep and Ajay Singh, but after completion of investigation, Sandeep and Ajay Singh were found innocent. He has invited the attention of the Court to the order dated 28.10.2020 (Annexure P-2), whereby concession of regular bail was extended to his mother Omwati @ Omlata. He submits that the petitioner is in custody for a long time and his further detention may not be necessary, particularly when the trial is not making headway. He prays that the petitioner be released on bail during the pendency of the trial.

On the other hand, learned State counsel assisted by SI Rameshwar Singh has opposed the prayer on the ground that offence is serious, therefore, the petitioner does not deserve the concession. He on instructions submits that charges were framed in this case on 24.09.2020, however, prosecution is yet to examine its witnesses.

After hearing the learned counsel for the parties, this Court finds that the petitioner was arrested on 07.11.2019 and the trial is yet to commence as after framing of charges, no prosecution witness has been examined. Admittedly, the petitioner is presently confined in judicial custody and the co-accused of the petitioner, who is similarly situated has

been released on bail, therefore, the further custody of the petitioner may not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

08.02.2021

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE

No
No