

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-39294 of 2019 (O&M)

Date of Decision: 15.02.2021

Kimat Lal

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

CRM-5323-2020:

The application is allowed, as prayed. Medical documents are taken on record as Annexures P-3 and P-4 (Colly) subject to all just exceptions.

CRM-28821-2020:

The application is allowed, as prayed. FSL report is taken on record as Annexure P-5, subject to all just exceptions.

CRM-2656-2021:

The application is allowed, as prayed. Post-mortem report is taken on record as Annexure P-6 subject to all just exceptions.

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.286 dated 19.08.2018 under Sections 304-B/201 IPC registered at Police Station Madhuban, District Karnal.

The aforesaid FIR was registered with the allegations that marriage of Kanta Devi, daughter of the complainant, was solemnised with the petitioner on 05.07.2017. Kanta Devi, deceased, was tortured and beaten up on account of dowry demands by the petitioner and his parents. In order to resolve the dispute, a panchayat was also convened on 29.04.2018. However, on 19.08.2018 at about 5-00 A.M., the accused killed Kanta Devi and threw her body in Bhakhra river. The complainant was not informed about the death of their daughter. It has been averred that four days prior to her death, Kanta Devi was in her parental house and she was behaving normally.

Learned counsel for the petitioner has argued that the petitioner was arrested in the case on 22.08.2018 and since then, he is in custody. As against the 19 witnesses cited by the prosecution, only 8 witnesses have been examined so far. He has referred to treatment record of the deceased to submit that the deceased was ill and she was taking regular treatment from Aparna Hospital, Madhuban, Karnal. In fact, Kanta Devi has committed suicide. Thus, considering the long custody of the petitioner, he be released on bail.

Learned State counsel does not dispute the custody of the petitioner and the stage of the trial. However, she has submitted that the deceased has died within 7 years of her marriage and therefore, the

petitioner is not entitled for bail. In case the petitioner is admitted on bail, he may affect the trial adversely.

I have heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 22.08.2018 and as against the 19 witnesses cited by the prosecution, only 8 witnesses have been examined so far. Considering the long custody of the petitioner and the stage of the trial, this Court deems it appropriate to admit the petitioner on regular bail, as ultimately, the fate of the petitioner shall be determined by outcome of the trial and decision of the trial Court.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

February 15, 2021
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No