

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

107+209

CRM-5765-2022 in/and

CRM-M-6286-2021

Date of decision: 25.02.2022

Manoj Kumar Mishra

.....Petitioner

Versus

State of U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bipan Ghai, Sr. Advocate with
Mr. Vishavjeet Singh, Advocate,
Mr. Sachin Jain, Advocate and
Mr. Prabhdeep Singh Bindra, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. P.P., U.T., Chandigarh
for the respondent.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-5765-2022

For the reasons mentioned in the application, the same is allowed and copies of statements of PW-2 Sat Bhushan Mishra dated 13.10.2021 and 23.11.2021 and list of witnesses are taken on record as Annexures P-8 and P-9 respectively.

CRM-M-6286-2021

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.50 dated 25.03.2020 lodged under Sections 304-B and 34 IPC registered at Police Station, South Sector-34, Chandigarh.

Learned senior counsel for the petitioner submits that the petitioner has been in custody since 25.03.2020 in a case of false implication which finds credence from the fact that while stepping into the witness box as PW-1, the complainant who is none other than the

father of the deceased did not support the case of the prosecution and as a result of which was declared hostile. In support of his submissions, learned senior counsel has drawn the attention of this Court to the deposition of the complainant annexed as Annexure P-8 wherein the factum of the complainant having been declared hostile finds reflected. Learned senior counsel further submits that trial is unlikely to conclude in the near future as 15 more prosecution witnesses remain to be examined and thus in the aforementioned circumstances, his further incarceration would be of no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite has not been able to controvert the factum of the complainant, who is the sole material witness, having turned hostile during trial. He, however, submits that the deceased died an unnatural death in her matrimonial home within seven years of her marriage leaving behind two children.

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

In view of the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

25.02.2022

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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