

SUMIT

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.P.Sharma, Advocate for the petitioner.

Mr. Karan Garg, AAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 327 dated 18.11.2021 under Sections 498-A, 304-B IPC, registered at Police Station Sadar Mahendergarh, District Mahendergarh.

Custody certificate and status report by way of affidavit of Siddhant Jain, Addl. Superintendent of Police, Mahendergarh, District Mahendergarh, on behalf of the State have been taken on record.

Briefly, the FIR has been lodged by the father of the deceased alleging that the marriage of the deceased was solemnized on 25.02.2020 with the petitioner. The petitioner along with other family members had been raising demand of dowry. The deceased died on account of burn injuries on 17.11.2021.

Learned counsel for the petitioner contends that during the course of investigation, all the relatives of the petitioner were found to be innocent and challan has been presented only against him. During the course of trial, the complainant who is the father of the deceased, has not

supported the prosecution version. The petitioner is in custody for a period of 11 months and 29 days and is not involved in any other case.

Learned State counsel submits that so far only 3 out of 13 witnesses have been examined.

It may be mentioned here that the statement of the complainant during the course of trial has been recorded wherein he has specifically and categorically stated that the deceased was living happily in the matrimonial house and furthermore, the death has occurred on account of accidental burn injuries suffered by the deceased. The petitioner is in custody for a period of 11 months and 29 days and not involved in any other case. So far only 3 out of 13 witnesses have been examined. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making 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 fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(VIVEK PURI)
JUDGE

15.12.2022

Janki

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