

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

206

CRM-M-23702-2022
Date of Decision :06.09.2022

Pardeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Chirag Kundu, Advocate for the petitioner.

Mr. Sandeep Singh Mann, Additional Advocate General,
Haryana.

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Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.363 dated 02.10.2019 registered under Sections 302, 120-B and 34 of the IPC at Police Station Kalanaur, District Rohtak.

Learned counsel for the petitioner argues that the petitioner has been falsely implicated in the present FIR on the basis of the statement of the complainant Mulakh Raj, i.e. father of the deceased, whereas, the petitioner has no concern with the incident at all . As per the petitioner, who is the brother of the husband of the deceased Reena, the complainant Mulakh Raj and the uncle of the deceased Reena, who have already been examined, have not supported the prosecution story and even the complainant has not stated anything against the petitioner with regard to any

role to be played by the petitioner in the death of his daughter Reena. Learned counsel for the petitioner prays that the petitioner, who is behind the bars since 03.10.2019 be granted concession of regular bail as out of the total 23 witnesses only 07 witnesses have been examined and trial is likely to take some time before it concludes.

Learned State counsel on instructions from the Investigating Officer, who is present in the Court concedes the fact that complainant Mulakh Raj, who is a father of the deceased as well as uncle of the deceased have been examined as prosecution witnesses and they have not supported the prosecution version. He further submits that as out of the total 23 witnesses, 17 witnesses are yet to be examined, culpability or innocence of the petitioner will depend upon the total evidence, which will come on record during the course of trial. Learned counsel for the respondents submits that as the allegations against the petitioner are serious in nature, the petitioner may not be granted concession of regular bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The petitioner is behind the bars for the last approximately 03 years. Petitioner is brother of the husband of the deceased and has been roped in the present FIR on the basis of allegations alleged by the father of the deceased, who is also the complainant. It is a conceded position that complainant as well as uncle of the deceased have already been examined, but no material has come on record so far to connect the petitioner with the crime, coupled with the fact that as out of the total 23 witnesses, only 07 witnesses have been examined, the trial is likely to take some time before it concludes and culpability or innocence of the petitioner will depend upon

the complete evidence, which will come on record during the course of trial, hence, keeping in view the facts and circumstances of the present case, no useful purpose will be achieved by keeping the petitioner behind the bars, during the entire trial especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 06, 2022

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No