

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

209

**CRM-M-30769-2022
Date of decision: 22.07.2022**

Naveen Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. V.K. Jindal, Sr. Advocate with
Mr. Gopal Soni, Advocate
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.55 dated 14.02.2019 lodged under Sections 304-B, 498A and 34 IPC registered at Police Station Bhuna, District Fatehabad.

The first petition filed by the petitioner seeking similar relief was dismissed as withdrawn on 28.06.2021.

Learned senior counsel for the petitioner submit that the petitioner is the husband of the deceased Sarina who admittedly committed suicide in her parental house on 13.02.2019. Learned senior counsel while drawing the attention of this Court to the FIR which was got registered by brother of the deceased submits that the complainant party had tried to falsely implicate the entire in-laws family of the deceased on account of passions running high, however, all the family members of the petitioner were found innocent during investigation except co-accused i.e. his father, who too, though initially was found innocent but was subsequently challaned on the basis of a

supplementary statement suffered by the complainant party. Learned counsel submits that now the petitioner has been in custody for more than three years and not even a single prosecution witness has been examined as the prosecution/complainant party have been taking adjournments on almost all the dates. He submits that in the circumstances, there is no likelihood of the trial concluding in the near future and since investigation is already complete, further incarceration of the petitioner would serve no useful purpose. He also submits that the father of the petitioner, co-accused Kuldeep @ Ram Gopal has been granted bail by this Court vide order dated 05.04.2022.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite has not been able to controvert the submissions made by the senior counsel for the petitioner that the deceased committed suicide by consuming poison in her parental home and that too after two weeks of leaving her matrimonial home on 27.01.2019. He has also conceded that except for the father of the petitioner, all his other family members who were named in the FIR, were found innocent during investigation and thus not challaned.

On a pointed query put to the learned State counsel as to what was the reason for the delay in the conclusion of the trial, he, on instructions has apprised the Court that it is the prosecution which has been seeking adjournments on most of the dates and hence the prosecution evidence has not been able to commence.

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

The petitioner has been in custody since 04.03.2019 and

not even a single prosecution witness out of the 27 cited has been examined. It is thus, very evident that the trial would take considerable time to conclude. This Court cannot also lose sight of the fact as apprised by the learned State counsel today that the delay in conclusion of the trial has been on account of the adjournments sought by the prosecution only. The trial, therefore, is being delayed for no fault of the petitioner who has been languishing in custody since 04.03.2019. It needs to be reiterated that the right to life and personal liberty granted by the Constitution of India also covers the right to speedy trial. Therefore, when an under trial has been in custody for a significant period of time and the trial is being held up for no fault on his part, like in the case in hand, the Courts cannot be expected to be a mute spectator and should rather unhesitatingly interfere for securing the personal liberty of an under trial.

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.

22.07.2022

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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