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

**CRM-44822-2022 in/and
CRM-M-39621-2022 (O&M)
Date of decision-01.12.2022**

Amar Singh

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

CRM-44822-2022

The instant application is for pre-poning the date of hearing of the main petition to an early date, which is fixed for 20.01.2023.

Notice in the application.

At the asking of the Court, Mr. Sukhdeep Parmar, DAG, Haryana accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and date of hearing is pre-poned to today.

CRM-M-39621-2022

Petitioner has filed this petition under Section 439 Cr.P.C. for

grant of regular bail in case FIR No.74, dated 04.03.2020, under Sections 304-B read with Section 34 IPC, 1860 at Police Station Mundkati, District Palwal, Haryana. The petitioner is in custody since 19.03.2022.

The contents of the FIR as noticed by the Additional Sessions Judge, Palwal in order dated 05.05.2022 reads as under:-

“t all started on 04.03.2020, when a telephonic message was received in Police Control Room, Palwal as regard Smt. Ritu, the wife of petitioner having been killed (for short the deceased). Upon the receipt of this information, ASI Nasib Khan along with his fellow police officials reached at the house of petitioner, where the dead body of the deceased was laying on the floor in front of courtyard and many persons had gathered there. There, complainant Moti Ram, the father of deceased was present. He submitted a written complaint alleging that on 04.03.2020 at about 10.30 O’clock, the complainant gave him a telephonic call and enquired from him as to where he was and where was her brother Manish. Thereafter, call was disconnected. After about 15 minutes at 10.50 O’clock, the complainant gave call to deceased’s husband Amar Singh (the petitioner), who told him (complainant) that the deceased had died and he further said to him to take away the dead body of the deceased. Thereafter, the complainant visited his elder brother Kishore Singh, Chairman, who instructed him (complainant) to visit the spot to check the condition of deceased. Thereafter, the complainant along with others came in village Aurangabad and went to the house of her daughter (deceased). where she was found dead. Thereafter, the police was telephonically informed about

the matter, which reached at the scene of crime. Thus, the complainant sought legal action against petitioner Amar Singh, his mother Dayawati and his father Tej Pal and Rahul, the younger brother of Amar Singh. It is further alleged that said quartet accused killed the deceased and the petitioner Amar Singh with co-accused, Dayawati and Rahul had fled from the house.”

Learned counsel for the petitioner has argued that the victim and her real sister, namely, Laxmi were married to real brothers and petitioner's wife ended her life voluntarily by committing suicide. However, on the complaint given by the father of deceased, petitioner, his parents and brother were falsely implicated in the commission of offence punishable under Section 304-B IPC. He submits that though the allegations against all the four accused were common, but the brother of petitioner was found innocent. He further submits that rest of the accused are on regular bail and the petitioner is in custody since his arrest on 19.03.2020. He has drawn the attention of the Court to the deposition of Laxmi (sister of deceased) to contend that she has not supported the version of the complainant as according to this witness, her sister was never treated with cruelty and no demand of dowry was ever made. He prays for bail.

Learned State counsel, assisted by ASI Ravi Dutt, while opposing the prayer of learned counsel for the petitioner, does not dispute this fact that the brother of the petitioner was found innocent and the other accused are on bail. According to him, the complainant has supported the case and only three witnesses out of total sixteen prosecution witnesses have

been examined, so far.

Upon considering the rival submissions addressed by learned counsel for the parties and considering the above background, this Court finds that since the material witnesses have been examined by the prosecution and trial is likely to consume considerable time to conclude as still thirteen witnesses remain to be examined. Besides, the other co-accused, who are similarly situated, are on bail, therefore, further detention of the petitioner may not be justified.

Resultantly, without meaning 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 the requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, Palwal.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

01.12.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No