

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

CRM-M-49217-2021

Date of Decision: 22.02.2022

DINESH

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.R.S.Randhawa, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No.0372 dated 03.08.2021 under Sections 306 and 34 IPC registered at Police Station Mehan, District Rohtak.

Briefly, the aforesaid FIR has been registered on the basis of the statement of Vivek, the brother of the deceased, alleging that the marriage of his sister, namely, Mukesh i.e. the deceased, was solemnized with the petitioner in June 2007 and two children, aged about 11 years and 13 years were born from the wedlock. On 03.08.2021, the complainant received a telephonic message from the petitioner to the effect that the deceased has locked herself in a room and hanged herself. It has been further alleged that the petitioner and his mother had tortured the deceased.

Learned counsel for the petitioner contends that the mother of the petitioner has been found to be innocent. No complaint was submitted at any forum with regard to any maltreatment meted out to the deceased during the period of about 14 years of married life, the complainant and his cousin Avinash have examined during the course of trial and they have not supported the prosecution version.

Reply by way of affidavit of Hamendra Kumar Meena, Additional Superintendent of Police, Meham, as well as custody certificate of the petitioner have been placed on record.

Learned State counsel, on the instructions from S.I. Surender, has not assailed the aforesaid factual aspect of the matter.

Custody certificate indicates that the petitioner is in custody for a period of 06 months and 18 days. Although, in the custody certificate, it has been mentioned that the petitioner is an under-trial in another case bearing FIR No.389 dated 23.07.2015 under Section 4 of Immoral Trafficking Act, Police Station Civil Lines Rohtak and is on bail in that case but the learned counsel for the petitioner has categorically stated that as per his instructions, the petitioner is not involved in any other case. Moreover, even in the reply submitted by the State, it has been specifically mentioned that as per the police record, the petitioner is not involved in any other case.

It may be mentioned here that the learned trial Court had primarily dismissed the application for bail on the score that there is sufficient evidence against the petitioner to connect him with the commission of offence and moreover, the complainant is yet to be examined. However, in the instant case, the complainant and his cousin have been examined and they have not supported the prosecution version. Moreover, the investigation of the case is complete and challan has already been presented in the Court. Conclusion of the trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner behind the bars.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making

any observation on the mertis of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate/trial Court.

22.02.2022
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(VIVEK PURI)
JUDGE

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