

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118+222)

CRM No. M-54386-2021(O&M)

Date of Decision : 28.01.2022

Nirottam

....Petitioner

Versus

State of Haryana

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Tanmoy Gupta, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Mr. Depender Singh, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

CRM No. 1444 of 2022

Present application has been filed for placing on record documents Annexures P-6 and P-7.

Application is allowed and Annexures P-6 and P-7 are taken on record.

CRM No. M-54386 of 2021

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 669 dated 03.09.2018, registered under Sections 304-B, 498-A, 34 IPC (Section 406 IPC added later on) at Police Station Sadar Palwal, District Palwal.

Learned counsel for the petitioner argues that in the present

case the allegation alleged against the petitioner is of maltreating his wife

which led to her death. Learned counsel for the petitioner submits that petitioner is behind the bars for the last 03 years and 02 months and as all the material witnesses have already been examined and the trial is likely to take some more time before it concludes, petitioner may kindly be extended the concession of regular bail as the petitioner undertakes not to influence the trial or the witnesses in any manner. Learned counsel for the petitioner further submits that the complainant and real sister of the deceased, who is also married to the real brother of the petitioner, have already been examined wherein, the real sister of the deceased stated that she had guessed the fact that the petitioner alongwith his family killed the deceased, which inference was drawn due to the mal-treatment which was being meted out to them by their in-laws.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that the allegations against the petitioner are serious as there is an allegation of demand of dowry by the elder brother of the petitioner, who is married to the sister of the deceased. Learned State counsel though concedes that the material witnesses in the said case have already been examined.

Mr. Depender Singh, Advocate appearing on behalf of the complainant, who has also joined the proceedings through video conference, submits that the testimony, which has come on record so far clearly proves

the guilt of the petitioner, hence though the petitioner might have suffered incarceration for a period of 03 years and 02 months but in the facts and circumstances of this case, the prayer of the petitioner for the grant of regular bail may kindly be declined.

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

The petitioner is behind bars for the last 03 years and 02 months and the material witnesses have already been examined. This Court is not to opine upon the culpability or the innocence of the petitioner at this stage. The only consideration is whether, any justifiable purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial. As the other co-accused have already been extended the benefit of regular bail and the material witnesses have already been examined and the petitioner has undertaken before this Court not to influence the trial or the witnesses in any manner and the trial is likely to take some time before the same concludes keeping in view the restricted working of the Courts due to pandemic of Covid-19, the petitioner has made out a case for the grant of regular bail.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the 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.

At this stage, learned counsel appearing on behalf of the complainant submits that as most of the prosecution witnesses have been

examined, appropriate direction may kindly be given to the trial Court to conclude the trial within a period of next six months.

Learned counsel for the petitioner as well as learned State counsel raises no objection for the said prayer.

Keeping in view the facts and circumstances of this case, the trial Court is requested to complete the trial as expeditiously as possible preferably within a period of six months from the next date of hearing.

January 28, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? Yes