

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

217

CRM-M-626-2021

Date of Decision:- 15.05.2023

Prakash

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr.G.C.Shahpuri, Advocate
for the petitioner

Mr.Brijesh Sharma, AAG Haryana

ALOK JAIN, J. (Oral):

1. Prayer is for grant of regular bail to the petitioner in case FIR No.0314 dated 08.09.2020, under Sections 304-B, 406, 323, 328, 34 and 498-A of IPC, registered at Police Station Chand Hut, District Palwal.

2. Learned counsel for the petitioner submits that all the material witnesses have been examined and the petitioner is in custody since 23.09.2020 i.e. about 02 years and 08 months. He further submits that even as per the testimony of the complainant, who is the mother of the deceased, she admits that it was a simple marriage and admittedly this was the second marriage of both the parties.

3. Learned State counsel does not deny the aforesaid factual aspects of the matter.

4. Heard learned counsel for the parties.

5. In view of the fact that the petitioner is in custody since

23.09.2020, coupled with the fact that all the material witnesses have

been examined and the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody.

6. In view of the above, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned on the following stringent conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

7. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE

15.05.2023
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No