

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**217****CRM-M No.4990 of 2023 (O&M)
Date of Decision : 07.12.2023**

Anil Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Pankaj Nanhera, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.309 dated 13.07.2022 under Sections 201, 304-B, 34, 323, 498-A and 406 of the Indian Penal Code, 1860 registered at Police Station City Tohana, District Fatehabad.

2. Learned counsel for the petitioner would contend that the petitioner is not the main accused in the present case and has falsely been roped in being the cousin of the husband of the deceased. Learned counsel for the petitioner would further contend that it is the petitioner who had taken the deceased to the hospital and it is his signatures which can be found on all the documents which were signed as a relative. It is further the contention of learned counsel for the petitioner that the FIR itself does not specify the role of the petitioner and vague allegations have been made.

3. Learned State counsel has filed the status report by way of

affidavit of Sh. Shamsher Singh, HPS, Superintendent of Police, Tohana, District Fatehabad along with complete medical record of RMC Hospital, Tohana and CMC Hospital, Hisar. Registry to scan the same and tag at the appropriate place. Custody certificate has also been filed by learned State counsel as per which the petitioner has been in custody for a period of 01 year 02 months and 20 days. There are two other cases pending against the petitioner under Section 323 IPC in which he is stated to be on bail. Learned State counsel would contend that serious allegations have been made in the present FIR and it is not a fit case for grant of regular bail to the petitioner.

4. I have heard learned counsel for the parties.

5. In the present case the petitioner herein is the brother-in-law (cousin of the deceased's husband). The petitioner, as per the record which has been appended with the status report filed by way of affidavit of Sh. Shamsher Singh, HPS, Superintendent of Police, Tohana, District Fatehabad, is the person who had taken the deceased to the hospital. Learned State counsel has not been able to show any complaint which was made *qua* the petitioner herein prior to filing of the present FIR alleging any harassment *qua* the demand of dowry. The deceased was taken from RMC Hospital, Tohana for further management to CMC Hospital, Hisar. However, unfortunately Pooja (deceased) did not survive. Besides the allegations in the FIR, there is no incriminating material *qua* the petitioner. None of the prosecution witnesses have been examined till date. The conclusion of trial is likely to take some time.

6. In view of the above and without commenting upon the merits of the case, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his

furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

07.12.2023
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO