

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

(211)

CRM-M-4758-2020.
Date of Decision:-21.02.2023.

Rakesh Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pranshul Dhull, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. K.S. Brar, Advocate for the complainant.

ALOK JAIN, J. (Oral)

The present petition is for grant of regular bail to the petitioner in FIR No.126 dated 15.08.2019 (Annexure P-1) under Sections 302, 328, 342 and 304-B, read with Section 34 of IPC, registered at Police Station Nathusari Chopta, District Sirsa.

Learned Senior counsel for the petitioner has contended that the petitioner is in custody since 25.08.2019 and the material witness i.e., is the complainant has been duly examined on 28.02.2022 and further her cross-examination has also taken place on 10.03.2022.

Learned State counsel, on instructions from ASI Sube Singh, submits that the next date of hearing is 26.04.2023 and 02 out of 16 witnesses have been examined; 01 witness is deferred and 02 witnesses have been given up. He submits that the testimony of the complainant has already taken place and in fact the testimony of one brother of the deceased has also been done.

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At this stage, learned counsel for the complainant submits that the next date of hearing is 26.04.2023, whereby, the other brother of the complainant has been summoned to produce the evidence with regard to the various Panchayats convened to resolve the matrimonial discord before the incident.

After hearing the counsel for the parties and without commenting upon the merits of the case and keeping in view the fact that the petitioner is in custody since 25.08.2019 and material witness has already been examined and the trial is likely to take long time, no useful purpose would be served by keeping the petitioner behind the bars. Therefore, the petitioner is held entitled to the concession of bail at this stage.

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.

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

The complainant and State are at liberty to apply for cancellation of bail, in case the petitioner violates any of the condition envisaged under Section 439 Cr.P.C. and/or tries to induce the witness either on his own or through any other third party.

(ALOK JAIN)
JUDGE

February 21, 2023.

Sandeep

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