

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6973-2023 (O&M)
Date of Decision : 19.07.2023

Manish

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Abhimanyu Batra, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

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ALKA SARIN, J. (Oral)

1. This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.790 dated 28.11.2020 registered under Sections 498-A, 304B of the Indian Penal Code, 1860 (Section 34 of IPC deleted later on) at Police Station City Sonipat, District Sonipat.

2. Learned counsel for the petitioner would contend that that the petitioner has falsely been implicated in the present FIR and that the petitioner and his family members did not raise any demand of dowry. Learned counsel would further contend that deceased-Anuradha had applied for recruitment as staff nurse at PGIMS Rohtak and the result was declared on 28.11.2020. Since the deceased was not selected for the said job, that is

the reason she committed suicide. Further, the contention of the learned counsel is that all the material witnesses stand examined and that the mother of the deceased did not appear despite non-bailable warrants being issued and she has now been given up by the prosecution. Learned counsel would further contend that the petitioner has been in custody for a period of 02 years 06 months and 26 days and that out of a total 14 witnesses only 07 stand examined.

3. Learned counsel for the State assisted by Sub Inspector Chain Singh is not in a position to deny the fact that out of 14 witnesses only 07 stand examined. It is, however, stated that all the material witnesses stand examined. Learned counsel for the State has reiterated that the mother of the deceased has been given up since she did not appear despite issuance of non-bailable warrants.

4. I have heard learned counsel for the parties.

5. In the present case the petitioner has been in custody for a period of 02 years 06 months and 26 days. Out of 14 witnesses only 7 stand examined. All the material witnesses have since been examined. In view thereof, no purpose would be served by keeping the petitioner in incarceration as the trial is likely to take some time to conclude.

6. Keeping in view the totality of the circumstances and without commenting upon the merits of the case, I deem this 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 and 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 accordingly. Pending applications, if any, also stand disposed off.

July 19, 2023
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(ALKA SARIN)
JUDGE

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