

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.13805 of 2023
Date of decision: 23rd March, 2023

Vakil Ram
... Petitioner
Versus
State of Haryana
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Pratham Sethi, Advocate for the petitioner.
Mr. Rahul Mohan, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the 4th petition filed under Section 439 Cr.P.C. for grant of the concession of bail in case bearing FIR No.249 dated 02.09.2019 under Sections 306, 34, 498-A IPC registered at Police Station Dabwali Sadar, District Sirsa.

On a pointed query put to the learned counsel for the petitioner as to what was the material change in circumstances subsequent to dismissal of the previous petition on 31.01.2022, he submits that an incorrect statement had been made by the learned State counsel that the trial was nearing completion, whereas fact of the matter was to the contrary, as many prosecution witnesses even at that time, remained to be examined. Learned counsel submits that the petitioner had been married with the deceased for almost 11 years prior to her suicide and they were blessed with three children. He submits

that totally false allegations have been levelled in the FIR that on account of continuous mental harassment meted out to the deceased for not getting sufficient dowry etc. she had consumed poison and ended her life. Learned counsel submits that in fact it was on account of trivial disputes between the petitioner and his deceased wife that she consumed poison and thereafter on account of passions running high due to the demise of her daughter, the complainant had registered the FIR in question against the petitioner. He submits that the petitioner has now been in custody since 03.09.2019 and the trial has not yet concluded. Learned counsel submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose, more so when the complainant already stands examined.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Krishan, submits that the complainant while stepping into the witness box had supported the case of the prosecution and reiterated the allegations levelled in the FIR against the petitioner. He has however, not been able to controvert that when the previous petition was dismissed by this Court vide order dated 31.01.2022, an incorrect submission had been made that the trial was nearing conclusion as only one witness remained to be examined, and it was on account of the same, the previous petition was dismissed. Learned State counsel has submitted that four prosecution witnesses remain to be examined.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner has been in custody since 03.09.2019 and the trial has still not concluded. The sole material witness i.e. the complainant stands examined. In the facts and circumstances, as enumerated hereinabove, there is no apprehension that the petitioner could try to tamper with any evidence or influence the witnesses to depose in his favour. Thus, this Court deems it fit to allow the instant petition. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

March 23, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No