

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

209

CRM-M-18402-2023

Date of Decision: 02.06.2023

Satender Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sandeep Kumar Rana, Advocate for the petitioner

Ms. Priyanka Sadar, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Section 439 Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking regular bail in FIR No.432 dated 25.07.2022 under Sections 304-B & 34 of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Mujessar, District Faridabad.

2. The case of the prosecution is that Hari Shankar lodged a complaint alleging that marriage of his daughter was solemnized on 19.04.2019 with Satender Bhati son of Shri Jaspal. At the time of marriage, he had given dowry articles as per his capacity. A child was born from this wedlock. His daughter was constantly harassed by her husband, mother-in-law, *jeth* and *jethani*. On account of torture by in-laws, his daughter has committed suicide.

3. Learned counsel for the petitioner *inter alia* contends that there is no suicide note and FIR was registered on the oral statement of

the complainant who has turned hostile and he has further executed affidavit disclosing that there was no demand of dowry on the part of in-laws of his daughter. The petitioner is in custody since 07.08.2022 and he is not involved in any other offence. No recovery is to be effected from the petitioner. The petitioner has been wrongly implicated in the commission of alleged offence. The petitioner is permanent resident of District Faridabad. The petitioner has deep roots in the society. There is no possibility of flee from justice.

4. Status report by way of affidavit dated 31.05.2023 of Sudhir Taneja, H.P.S., Assistant Commissioner of Police, Mujessar, District Faridabad filed on behalf of respondent-State is taken on record. Registry is directed to tag the same at appropriate place.

5. Learned State Counsel submits that police report has already been filed and charges stand framed. She further submits that out of 13 witnesses, 3 have already been examined which includes complainant. She fairly confirms that all the witnesses have turned hostile and neither there is suicide note nor any other documentary evidence except oral statement of the complainant.

6. The petitioner is in custody since 07.08.2022 and he is not involved in any other offence as confirmed by learned State counsel. Police report under Section 173 of Cr.P.C. stands filed and charges stand framed. No recovery is to be effected from the petitioner. The Trial Court yet has to return definite findings on the disputed issues. There are

13 prosecution witnesses and till date 3 have been examined, thus, there is abysmally low possibility of conclusion of trial in near future. All the witnesses have turned hostile. As prosecution has right to arrest, investigate the matter and restrain an accused from manipulating or winning over witnesses, similarly accused in view of Article 21 of the Constitution of India has right to defend himself and put forth his stand which cannot be possible while in custody. The prosecution has not led any convincing/plausible documentary or oral evidence indicating possibility of petitioner being flee from justice or tampering the evidences or winning over/threatening the witnesses.

7. In view of afore-stated facts and circumstances, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail subject to conditions as may be imposed by Trial Court/Illaq/Duty Magistrate concerned.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

02.06.2023
Mohit Kumar

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