

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

CRM-M No.20439 of 2022 (O&M)

Date of decision: 28th February, 2023

Rajesh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Akashdeep Singh, Advocate for the petitioner.

Mr. Rahul Mohan, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

CRM No.2535 of 2023

In view of the averments made in the application and in the interest of justice, the same is allowed and deposition of the complainant Devender Singh PW-2 is taken on record subject to all just exceptions.

CRM-M No.20439 of 2022

The instant petition has been filed under Section 439 Cr.P.C. for grant of the concession of bail in case bearing FIR No.82 dated 28.02.2021 under Sections 306, 34 IPC registered at Police Station Urban Estate, District Rohtak.

Learned counsel for the petitioner inter alia submits that subsequent to withdrawal of the previous petition seeking similar relief on 07.07.2021, the complainant Devender Singh (father in law of the

petitioner) has been examined before the trial Court. He further submits that the complainant who is the sole material witness in his deposition as PW-2, did not support the case of the prosecution and was declared hostile, which went to prove that the petitioner has been falsely implicated for abetting the suicide of his wife and two daughters. He further submits that in the above circumstances, further incarceration of the petitioner would serve no useful purpose, more so, when 20 prosecution witnesses are yet to be examined.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Raj Karan has not been able to controvert that the complainant, who is the father of deceased Sonia and maternal grandfather of deceased Riya and Diya, was declared hostile during trial, however, he has submitted that deceased Riya had left behind a suicide note wherein she had levelled specific allegations against her father, i.e. the petitioner, of having harassed all three of them i.e. the deceased, to such an extent that they had been left with no other choice but to end their lives.

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

The petitioner has been in custody since 28.02.2021. Out of the 21 prosecution witnesses cited, only one witness i.e. the complainant, stands examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to allow the instant petition, as there is no likelihood of the prosecution evidence being

tampered with, by the petitioner and further, the trial will take considerable time to conclude. The petitioner is thus 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

February 28, 2023

rps

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