

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20334/2023

Date of decision: 03.07.2023.

Sandeep son of Ram Chander

.....Petitioner

Vs.

State of Haryana

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:-

Mr. Rajat Mor, Advocate for the petitioner

Mr. Brijesh Sharma, AAG Harana

Mr. Sudhanshu Sharma, Advocate for the complainant.

Nidhi Gupta, J.

Prayer in this first petition u/s 439 Cr.PC is for grant of regular bail to the petitioner in case FIR No.215 dated 2.7.2020 registered u/s 304-B, 302, 34 IPC (Section 302 IPC deleted later on), at PS Taraori, District Karnal.

Ld. counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in this case for allegedly subjecting his deceased-wife to mental and physical harassment. It is submitted that co-accused Ram Ratti (mother-in-law) of the deceased-wife of the petitioner, who had been attributed same role as the petitioner, has been granted regular bail by this Court vide order dated 15.12.2021 (Annexure P-2) passed in CRM-M-7578-2021. It is further submitted that out of 07 accused named in the FIR, 05 were found innocent during investigation. It is submitted that the said 5 other accused/ family members of the petitioner who had also been

attributed similar role as the petitioner, were kept in column no.2 by the Investigating Agency, and application u/s 319 Cr.PC moved qua said 05 relatives namely Pooja, Ritu, Ram Chander, Dinesh and Dhan Singh to summon them to stand trial as accused, has been dismissed by the trial court concerned. It is submitted that role of the petitioner is on parity with the said accused persons who have already been exonerated by the police; and against whom application u/s 319 Cr.PC has been dismissed by the trial court vide order dated 10.12.2021 (Annexure P-3). He further submits that order dated 10.12.2021 has been challenged by the complainant before this Court by way of Revision Petition bearing CRR No.379/2022 which is pending adjudication, and in which vide order dated 28.02.2022, this Court has been pleased to stay further proceedings. It is submitted that accordingly, out of 19 witnesses examination-in-chief of only one witness has been conducted till date, and therefore, trial is likely to take some time. It is further submitted that the petitioner is in custody since 3.7.2020 and has spent almost three years behind bars and therefore, regular bail be granted to petitioner.

Per contra, learned State counsel, while opposing the prayer made by the counsel opposite, is unable to dispute the above said facts. Custody certificate dated 1.7.2023 has been produced in Court today which is taken on record. As per said custody certificate, petitioner has undergone 02 years 11 months and 27 days in custody.

Heard ld. counsel for the parties and perused the material on record.

In the facts and circumstances as enumerated hereinabove, and keeping in view the fact that:

- a) the petitioner is in custody for almost 3 years since 3.7.2020;
- b) the trial stands stayed by this Court vide order dated 28.2.2022;
- c) that only examination-in-chief of one witness has been conducted so far;
- d) regular bail has been granted by this Court to co-accused/mother of the petitioner herein, who had been attributed same role as the petitioner;
- e) other family members against whom similar allegations have been levelled, have been given a clean chit by the investigating agency, and application filed under Section 319 CrPC to summon all of them as additional accused has been dismissed by the trial Court concerned;
- f) perusal of the custody certificate reveals that no other case is pending against the petitioner;

this Court is of the considered view that the present petition deserves to be allowed.

Accordingly, instant petition is allowed and petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Court concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

03.07.2023.
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned	Yes
Whether reportable	Yes/No