

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**220****CRM-M No.20656 of 2023****Date of Decision : 27.07.2023**

Jitendra @ Jitender Kumar Meena

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ravi Kamal Gupta, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

Mr. Mahesh Saxena, Advocate for the complainant.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.92 dated 28.06.2022 under Sections 304-B, 498-A and 34 of the Indian Penal Code, 1860 (Section 302 IPC was added later on) registered at Police Station GRP Faridabad, District Faridabad.

2. In brief the facts of the present case are that wife of the petitioner herein was run over by a train at KM1501/34 between BVH-FDN in DL M/L on 27.06.2022. On 28.06.2022 the complainant-Moharbai, mother of the deceased, moved a complaint alleging that the petitioner herein used to harass the deceased for dowry and that the deceased used to narrate the instances of physical violence by her parents-in-law. It was further alleged that due to the harassment, the daughter of the complainant had committed suicide on the railway track. The present FIR was registered

against the petitioner who was the main accused in the matter. The petitioner has been in custody for a period of 10 months and 25 days.

3. Learned counsel for the petitioner would contend that the petitioner has been falsely implicated in the present case and prior to the incident there was no complaint of any harassment. He has further pointed out that the complainant and other material witnesses are not coming forward despite issuance of non-bailable and bailable warrants to secure their presence.

4. Learned State counsel on instructions from SI Rajinder Singh has stated that neither the complainant nor the other material witnesses are coming forward to get their statements recorded despite issuance of repeated summons in the form of bailable/non-bailable warrants to secure their presence. Learned State counsel has also filed custody certificate of the petitioner as per which the petitioner has been in custody for a period of 10 months and 25 days.

5. I have heard learned counsel for the parties.

6. In the present case the petitioner has been in custody for a period of 10 months and 25 days. Despite repeated summons issued to the complainant and other material witnesses to secure their presence they have not come forward to get their statements recorded.

7. In view of the above and without commenting upon the merits of the case, I deem it 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/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

9. 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.

10. 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.

11. Disposed off. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

27.07.2023

jk

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