

CRM-M-25698-2023

**215 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRM-M-25698-2023 (O&M)****Date of Decision: 25.09.2023****KARNAIL SINGH****...Petitioner****V/S****STATE OF HARYANA****...Respondent****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

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

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. The petitioner seeks grant of regular bail under Section 439 of Cr.P.C. in the case bearing FIR No. 42 dated 26.10.2022 under Sections 304-B/34/498-A of Indian Penal Code registered at Police Station GRP Jagadhari, District GRP Ambala Cantt.

2. Learned counsel for the petitioner inter alia contends that the petitioner is the father-in-law of the deceased daughter of the complainant and there was no dispute between son of the petitioner and the deceased daughter of the complainant-Simran and both of them were residing happily with each other. He further contends that on the fateful day of 25.10.2022, when the deceased-Simran had gone out for some work, she had met with an accident while crossing the Railway Track and her dead body was also recovered from the Railway Track. The cremation of the dead body was conducted on 26.10.2022 in the presence of the family members of the deceased at the village of the petitioner. Learned counsel

further contends that no-objection was raised by the complainant or his

family members regarding any harassment on account of dowry or any cruelty meted out to the deceased after her marriage with the son of the petitioner. The petitioner has been in custody since 27.02.2023.

3. Per contra, Learned State counsel has opposed the bail application of the petitioner on the ground that the perusal of the FIR clearly indicates that the petitioner himself made a call to the complainant and informed him that he had in fact slapped the deceased on the fateful day, on account of which she had gone out and committed suicide. The trial Court has already examined the complainant in compliance of the order dated 10.08.2023 of this Court and after the examination of the complainant, an application under Section 319 Cr.P.C. was filed for summoning of the wife of the petitioner as additional accused to face the trial, who was exonerated by the Investigating Agency and was placed in column No. 2 of the challan.

4. Keeping in view the fact that out of 29 prosecution witnesses, only the complainant has been examined and in case the application under Section 319 Cr.P.C. is allowed, the conclusion of trial is likely to take long time to complete. No useful purpose would be served by keeping the petitioner behind the bars, who has already served 07 months of incarceration and he is father-in-law of the deceased and it will be a debatable and moot point during the course of trial as to whether petitioner has played any active role in the alleged occurrence.

5. As such, sufficient mitigating circumstances are made out to grant the petitioner, concession of bail. Therefore, without making any expression of opinion on the merits of the case, lest it may prejudice the

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outcome of the trial, the petitioner is ordered to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

6. The petition is allowed.
7. Nothing expressed hereinabove would be construed to be an expression of opinion on the merits of the case.

25.09.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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