

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M 26290/2023

Date of decision: 02.08.2023.

Manish

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sanawar Ali, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG Punjab.

Nidhi Gupta, J.

Prayer in this petition under Section 439 Cr.PC is for grant of regular bail in case FIR No.259 dated 16.6.2020 under Sections 201/202/302/304-B/506 IPC PS Ganaur, District Sonipat, Haryana.

Above said FIR (Annexure P-1), was registered on the basis of the statement of the father of the deceased/complainant, and reads as under:-

“To,SHO, Police Station Ganaur district Sonipat
Subject: comfort taking legal action against Manish s/o Zile Singh, caste banjara, resident of Village Bega, Tehsil Ganaur, District Sonipat. That complainant Bansi Ram son of Ladu Ram, resident of Kotakpura, District Faridkot and believe in and law and order. That I have three daughters and one son, all are married, my youngest daughter namely Jyoti aged about 29 years performed love marriage with Manish, who worked in Kotakpura in readymade, Jyoti and Manish performed their marriage before 14-15 months ago and after marriage Manish taken away Jyoti at his resident village

Bega, Tehsil Ganaur, District Sonipat and every day started harassing her that I performed marriage with you to bring lots of money from your father's but you came empty hand. Around 10-12 day ago my daughter talked to my wife and I also talked to Jyoti, then Jyoti told me that please take away me from here otherwise Manish will kill me and my un-born baby. Then I replied that we will come soon, as due to lockdown we are unable to come then on 11.06.2020, Manish called telephonically my elder daughter namely Suresh Kumari that Jyoti has died then we asked him don't do any activity with the dead body as we are coming then Manish warned that I killed your daughter and if you will come to my village I will also kill you and we didn't come there because of lockdown and now we came after inquired address. That Manish has murdered my daughter and to hide his crime, he has cremated the dead body near Yamuna bank, take legal action against him and justice be delivered to us. Sd/- Bansi Ram.

Ld. counsel for the petitioner submits that the complainant is father of the deceased-wife of the petitioner. Ld. counsel submits that date of incident is 11.6.2020 whereas FIR was registered on 16.6.2020 after an unexplained delay of 5 days. It is submitted that the present FIR is wholly misconceived as the marriage between petitioner and his deceased wife was a love marriage, and that the deceased had died a natural death due to Covid. Ld. counsel refers to testimony of complainant PW5/ father of the deceased (Annexure P-2 colly) who has admitted in his deposition that *“Manish kept my daughter nicely and did not harass or torture her at any point of time. He never demanded any money or dowry from us and my daughter. I have seen accused Manish (through video conferencing in the court), he did not harass or torture my daughter at any point of time. Accused Manish had not caused*

committed murder of my daughter". Ld. counsel further submits that depositions of mother of the deceased/PW6 (Annexure P-2 colly) and sister of the deceased/PW10 (Annexure P-2 colly) are along the same lines wherein they have not supported the case of the prosecution. It is submitted that accordingly, material witnesses stand examined.

Custody certificate dated 31.7.2023 produced by State counsel is taken on record according to which petitioner has undergone total custody as undertrial for 2 years and 11 months.

Ld. State counsel opposes the prayer for grant of regular bail and submits that serious and specific allegations have been made against the petitioner in the FIR. It is further submitted that out of 16 witnesses, 11 stand examined so far.

After hearing ld. counsel for the parties, without commenting on the merits of the case and keeping in view the fact that petitioner has undergone total custody as undertrial for 2 years and 11 months; that there is no other case against the petitioner; that prosecution evidence is still going on and as such conclusion of trial will take some time; and that no useful purpose would be served by keeping the petitioner in custody, the present petition is **allowed**. The petitioner Manish son of Zile Singh is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

02.08.2023.
Joshi

(Nidhi Gupta)
Judge