

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.29436 of 2023 (O&M)
Date of decision: 18th October, 2023

Mohit Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Preetinder S. Ahluwalia, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana
for the respondent/State.

Mr. Shivansh Malik, Advocate for
Mr. Ashutosh Verma, Advocate for the complainant.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.230 dated 19.04.2021 under Sections 498-A, 304-B IPC (chargesheeted alternatively under Section 302 IPC) registered at Police Station Shivaji Colony, District Rohtak. This is second petition filed by the petitioner.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 21.04.2021 and till date only 2 witnesses out of the 15 cited by the prosecution have been examined, hence, there is no possibility of the trial concluding in the near future.

3. It has been further submitted that on the face of it, the petitioner is a victim of false implication, which is clearly apparent from

a bare perusal of the two suicide notes (Annexure P-11) left behind by the deceased i.e. his wife. While drawing the attention of this Court to both the suicide notes, learned counsel has asserted that they had been proved to be in the handwriting of the deceased and the tone and tenor of both these suicide notes do not in any manner make out a case for any offence, much less under Section 304-B IPC, for which the petitioner is facing trial. Furthermore, the sole material witness, i.e. the complainant, who is the father of the deceased, already stands examined before the trial Court and as such, there cannot be any possibility of the petitioner influencing the witnesses. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

4. Per contra, learned State counsel has opposed the prayer and submissions made by the counsel opposite. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, it has been submitted that the complainant had levelled specific allegations against the petitioner and his mother of subjecting his daughter, i.e. the deceased, to harassment for not getting dowry as per their expectations. However, learned State counsel has not disputed the contents of the suicide notes and also that the Forensic Science Laboratory report had been received to the effect that both the suicide notes were in the handwriting of the deceased. It has also not been disputed by the learned State counsel, on instructions, that the sole

material witness in the case in hand, i.e. the complainant, already stands examined.

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

6. The petitioner has been in custody since 21.04.2021 and 13 prosecution witnesses still remain to be examined. Thus, there is no possibility of the trial concluding in the near future. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 18, 2023
rps

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