

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-35217-2023

Date of decision: 11.10.2023

Rattan Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ajay Vijarania, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (fourth) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.262 dated 12.04.2021 under Sections 498A, 304-B, 354 and 34 of the IPC registered at Police Station Sadar Hisar.

2. Learned counsel for the petitioner submits that after the withdrawal of the previous petition, all the material witnesses had been examined and hence, his further incarceration in the case in hand, would serve no useful purpose as there could be no likelihood of the prosecution witnesses being influenced by him or any material evidence being tampered with. He further submits that even otherwise totally false allegations have been levelled against the petitioner of having subjected his daughter in law i.e. the deceased, along with co-accused, to mental harassment for not getting dowry as per their expectations. It has also been submitted that the petitioner has clean antecedents as he is not involved in any other criminal case.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from SI Nirmala, has not disputed that all the material witnesses cited by the prosecution stand examined. It has also not been disputed that the petitioner has been in custody for more than 02 years having been arrested on 09.07.2021, however, learned State counsel submits that the delay in the trial has been on account of an application moved under Section 319 of the Cr.P.C. which was allowed by the Trial Court pursuant to which a denovo trial had commenced.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. In the facts and circumstances as enumerated hereinabove, the petitioner, who is a 61 year old man, has been in custody for a considerable period of time and the trial would still take some more time to conclude as 09 prosecution witnesses still remain to be examined. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

11.10.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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