

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-37449-2023

Date of decision: 07.08.2023

Kuldeep Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (third) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0052 dated 17.05.2021 under Sections 120-B and 304-B of the IPC registered at Police Station Panjokhra, District Ambala.

2. Learned counsel for the petitioner submits that after the withdrawal of the previous petition on 30.01.2023 wherein similar relief was sought, both the material witnesses including the complainant i.e. the mother of the deceased stand examined. He submits that the petitioner, who is father in law of the deceased, has now been in custody for more than 02 years having been arrested on 21.05.2021 and there is no likelihood of the trial concluding in the near future as 18 prosecution witnesses remain to be examined. Still further, while drawing the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1, learned counsel has submitted that totally vague and general allegations have been levelled

against all the members of in-laws family including married sisters-in-law of the deceased of having conspired to eliminate the deceased as she had got a small car and insufficient dowry at the time of her marriage with the petitioner's son. However, the investigating agency had found the sisters-in-law of the deceased innocent during investigation, which hinted towards a fabricated case having been planted on the petitioner. It has been further submitted that even as per the post mortem report, no injuries were found on the person of the deceased, which demolished the prosecution version that the deceased had been murdered by the accused including the petitioner by administering her poison. Learned counsel submits that since the trial would take considerable time to conclude, further incarceration of the petitioner, who is a 65 year old man, would serve no useful purpose moreso, as there could be no apprehension of the petitioner trying to influence the material witnesses to depose in his favour since they already stand examined.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner on instructions, has submitted that the FIR which was registered at the instance of the mother of the deceased clearly revealed that the petitioner and his family had been continuously harassing the deceased as they were dissatisfied with the dowry received at the time of her marriage. He further submits that both the material witnesses i.e. the complainant, who stepped into the witness box as PW1 and Parvinder Kaur (aunt of the deceased), who stepped into the witness box as PW2 had supported the case of the prosecution in its entirety.

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

5. The petitioner, who is a 65 year old man, has been in custody since 21.05.2021. Both the material witnesses stand examined. The trial is unlikely to conclude in the near future as 18 prosecution witnesses still remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court 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.

07.08.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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