

**218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-42645-2022

Date of decision: 03.08.2023

KARAN

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sandeep Yadav, Advocate for the petitioner.
Mr. Ranvir Singh Arya, Addl. AG, Haryana.
Mr. Nonish Kumar, Advocate for the mother of the deceased.

VIVEK PURI, J. (ORAL)

1. Custody certificate of the petitioner has been circulated today and the same is taken on record.
2. Karan-petitioner is seeking regular bail in the case bearing FIR No.255 dated 21.06.2022 under Section 306 IPC registered at Police Station City Jhajjar, District Jhajjar.
3. Precisely, the FIR has been registered on the basis of the statement of the deceased which was recorded by the learned Judicial Magistrate to the effect that the petitioner has supplied the poisonous pills to her and asked her to consume the same. He further stated that the petitioner will also consume the pills and under the delusion, she consumed the pills.
4. Learned counsel for the petitioner contends that in fact the petitioner and the deceased were in relationship and the said relationship was opposed by the mother of the deceased. The petitioner had neither supplied the salphos tablets to her nor misguided or prompted her to consume the same. The Whats App chat indicates that the deceased had herself shown the petitioner the picture vial containing salphos tablets. The petitioner is in custody for a period of about 01 year and 03 days and is not involved in any other case. The challan was

prosecution has been examined.

5. Learned State counsel and counsel for the mother of the deceased have opposed the bail application on the score that on the previous date of hearing, the case was adjourned as the prosecution witnesses were yet to be examined. The witnesses are yet to be examined and furthermore, there are categorical statement of the deceased in the form of dying declaration implicating the accused with the commission of crime.

6. It is significant to note that on 16.03.2022, the case was adjourned for today on the score that the prosecution witnesses have not yet been examined and the next date of hearing in the trial Court was stated to be 25.07.2023. It has not been disputed that despite opportunity, till date, no witness has been examined. The petitioner is in custody for a period of about 01 year and 03 days and is not involved in any other case.

7. On a query, learned State counsel submits that 21 witnesses are to be examined in the instant case. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

8. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. The petition is allowed accordingly.

03.08.2023

(VIVEK PURI)
JUDGE