

CRM-M-47459-2021(O&M)

Date of Decision :30.01.2023

Kewal Singh

...Petitioner

versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Arshdeep Singh Sra, Advocate for the petitioner.

Mr. Satish Singla, AAG, Haryana.

B.S. Walia, J. (Oral)

1. Prayer in the 3rd petition under Section 439 Cr.P.C is for grant of regular bail to the petitioner in case FIR No.141, dated 17.06.2019 registered under Section 304-B, 34 of IPC or in the alternative Section 302 IPC at P.S. SadarDabwali, Distt. Sirsa.

2. Learned counsel contends that the petitioner has been roped in a false criminal case, is in custody since the date of his arrest on 20.06.2019, has one son, aged 7 ½ years of age and there is no other family member to look after him, besides, he is the only bread winner of the family, the child is dependent on the mercy of the relatives, challan has been filed, charges have been framed and out of 20 prosecution witnesses only 7 have been examined,

3. Per contra, learned AAG, Haryana contends that the accused got married with the deceased in the year 2015, the parents of the deceased spent a huge amount on the marriage and also gave sufficient dowry but the deceased was taunted and harassed for bringing insufficient dowry and was also beaten up on several occasions by the petitioner as well as his family

members and on birth of a male child in the year 2016, the petitioner demanded a motorcycle which demand the family members of the deceased were unable to fulfill for which the petitioner alongwith his parents continuously harassed the deceased and on 16.06.2019 at about 9.30 A.M, deceased called her father and informed him that the petitioner had been beating her for failure to get the motorcycle and on the same day at around 6 P.M, the petitioner telephonically informed the complainant regarding the alleged suicide of the deceased.

Learned State counsel contends that since there is a categorical statement of the complainant that the accused-petitioner had beaten the deceased in the morning on the date of occurrence and he had been telephonically informed of the beating and harassment by his daughter for not meeting the demand of motorcycle and on the same day, the complainant's daughter, namely, Veerpal Kaur died in mysterious circumstances, it is crystal clear that the petitioner is responsible for the death of the complainants unfortunate daughter.

Learned State counsel further states that the child is being taken good care of by the maternal grandparents and in case the petitioner is released on bail, there are chances of his fleeing from justice as well as trying to intimidate and influence the witnesses., that out of 20 prosecution witnesses only 7 prosecution witnesses could be examined due to the conditions prevailing on account of corona virus pandemic but since all the material witnesses have been examined and now only formal witnesses remain to be examined, the State would ensure presence of all prosecution witnesses on the respective dates fixed by the learned trial Court so as to enable the

Learned State Counsel further states that despite the material witnesses including the complainant having been examined, there is no evidence pointing to the innocence of the petitioner, rather the complainant in his evidence has reiterated that the accused-petitioner harassed his daughter and of having given thrashing to her on the date of incident which was disclosed by his daughter to him telephonically on the same day and of his daughter's dying on the same day in the evening in meritorious circumstances.

I have considered the submissions of learned counsel for the parties.

Admittedly, the allegations against the petitioner are serious in nature. No ground has been shown by learned counsel for the petitioner so as to extend the concession of bail to the petitioner except taking the plea of his being in custody since the past 3 years 9 months. However, taking into account the gravity of the allegations against the petitioner as well as the assurance by learned State Counsel that all steps would be taken to expeditiously conclude the trial, I am of the view that ends of justice would be met by requesting the learned trial Court to examine the prosecution witnesses expeditiously and conclude the trial as expeditiously as possible.

At this stage, learned State counsel states that the next date before the learned trial Court is 05.04.2023. However, in view of the provisions of Section 309 Cr.P.C. as also the fact that the accused-petitioner has been in custody since the past 3 years 9 months, it is deemed appropriate to request the learned trial Court to examine the remaining prosecution

witnesses and conclude the trial as expeditiously as possible preferably within six months from today, if need be, by preponing the date of hearing in accordance with law from 05.04.2023 to an earlier date.

Petition disposed of in the above terms. A copy of this order be sent to the learned trial court for information and necessary action in accordance with law.

30.01.2023

Ps

(B.S. Walia)

Judge

Whether speaking/ reasoned

:

Yes/No

Whether reportable

:

Yes/No