

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

222

CRM-M-47870-2022

Date of Decision: 21.03.2023

Baljeet

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Deepak Vashishth, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 145 dated 12.09.2021 registered under Section 304-B, 328/34 IPC (Section 304-B and 34 IPC was deleted and Section 302 IPC was added at the time of filing the challan) at Police Station Alewa, District Jind.

According to the prosecution story, the aforesaid FIR was registered on the complaint of Savita Devi W/o Gopal Yadav resident of Gold Building Main Bus Stand Dhandbad, Jaharkhand, on the allegations that her daughter Aditi, was studying at Jaipur and also used to do a private job. She had solemnized love marriage with Baljeet (petitioner herein) son of Dhup Singh, resident of village Dudana, Tehsil Alewa, District Jind, about one and half year ago. Aditi used to talk to the complainant on video calls and used to state that the petitioner, his

mother and brother used to gave beatings to her and also pressurized her for brining more dowry. On 19.08.2021, at about 2:00 O'clock, she had received one phone call from her in-laws and the petitioner had informed about the death of Aditi. On receiving this information they informed Haryana police about this incident by calling at No. 112. The police reached at the spot and in their presence, postmortem of Aditi was conducted. Thereafter, they visited the house of the petitioner many times and came to know after listening from here and there that her daughter was killed by the petitioner by administering poison.

Learned counsel for the petitioner, *inter alia* contends that petitioner has falsely been implicated in the instant case. He further submits that initially, the FIR was registered under Sections 304-B and 328 read with Section 34 IPC but later on challan was filed under Section 302 IPC though, *prima facie* there is no evidence for commission of offence under Section 302 IPC. There is no dying declaration. He also contends that out of total 15 prosecution witnesses, 06 have already been examined. Complainant-Savita Devi, mother of deceased-Aditi, appeared in the witness-box as PW-2, but she was declared hostile as she had not supported the prosecution story. Petitioner is in custody since 19.09.2021. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that the petitioner may be released on regular bail.

On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner and submits that the allegations against the petitioner are grave in nature

as he murdered his wife by giving her poison.

Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the material witness i.e. mother of deceased, namely, Savita Devi who stepped into the witness box as PW-2 was declared hostile as she did not support the prosecution story, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Baljeet, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

March 21, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No