

Neutral Citation No.2023:PHHC:164970

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-48269 of 2023 (O&M)

Date of decision : 21.12.2023

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Sunil

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Aman Pal, Advocate and
Mr. Japsehaj Singh, Advocate for the petitioner.

Ms. Jasleen Chahal, Assistant Advocate General,
Haryana.

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MANJARI NEHRU KAUL, J. (ORAL)

This is fourth petition filed by the petitioner under Section 439 Cr.P.C., seeking grant of regular bail in case FIR No.403 dated 5.6.2021 under Sections 304-B, 34 of the Indian Penal Code, registered at Police Station Old Industrial, District Panipat.

2. Learned counsel for the petitioner, inter alia, contends that he has been in custody since 18.6.2021 and the trial has come to a stand still on account of the fact that the complainant had approached this Court by way of a Criminal. Revision petition No. 1429 of 2022, to impugn the dismissal of an application under Section 319 Cr.P.C., for summoning of the co-accused by the trial

Court concerned. Learned counsel, while drawing the attention of this

Court to Annexure P-6, by a Coordinate Bench of this Court, has submitted that further proceedings had been stayed before the trial Court and there was no likelihood of the trial concluding in the near future as the next date in the aforementioned Criminal Revision Petition was 4.4.2024. It has further been reiterated that even otherwise, a perusal of the deposition of complainant PW-1, reveals that while stepping into the witness box, he made material improvements, which created a serious dent in the case of the prosecution and lent credence to the petitioner having been falsely implicated in the case in hand.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has, on instructions, informed the Court that the petitioner is the husband of the deceased, who was being continuously harassed both physically and mentally for not getting dowry as per status of her in-laws family; there were some money transactions which took place between the complainant as well as, husband of the deceased, which also reflected that the deceased was being pressurized to get money from her family, in order to appease her in-laws. Learned State counsel, has however, not disputed that all the material witnesses, including the complainant already stand examined before the trial Court.

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

6. The petitioner has been in custody since 18.6.2021. There is no likelihood of the trial concluding in the near future, in view of the proceedings before it having been stayed by a Coordinate

Bench in Criminal Revision No. 1429 of 2022.

7. In the facts and circumstances, as enumerated hereinabove, particularly, since all the material witnesses stand examined, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed and the petitioner is 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.

(**MANJARI NEHRU KAUL**)
JUDGE

21.12.2023
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Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No