

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

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**CRM-M No. 58810 of 2022
Date of Decision : 12.5.2023**

*Naresh**..... Petitioner**versus**State of Haryana**..... Respondent*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Lokesh Vohra, Advocate, for the petitioner

Ms. Ankita Ahuja, AAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.410 dated 16.9.2021 under Sections 304-B and 34 IPC registered at Police Station Beri, District Jhajjar.

2. As per allegations in the FIR, lodged by deceased's father, her daughter was being harassed by her in-laws, including her husband/petitioner, on not being satisfied with the dowry given to them. They used to beat her also. On 12.9.2021, his daughter came to meet him and went back the next day. She informed him on phone that ever since she returned to matrimonial home, her husband/petitioner, brother-in-law and mother-in-law were fighting with her and taunting her by saying they committed a big mistake by taking her out of jail; that she would destroy their house. On 15.9.2021 his daughter wanted to speak to him, but was not allowed to do so by the in-laws who snatched her phone. When the complainant called her on mobile phone, she informed that she was being troubled by the in-laws. Later, the same night, he received a call from the in-laws informing that his daughter hanged herself resulting in death.

3. Learned counsel for the petitioner contends that allegations have been levelled after about six years and four months of the petitioner's marriage with the deceased. There are two children out of the wedlock also. There has not been any previous complaint of any harassment meted out to the deceased. He further contends that trial of the case is going on and material witnesses have already been examined, still the petitioner is in custody.

4. Learned State counsel, on instructions from ASI Pritam, submits that there are serious allegations against the petitioner, and the witnesses examined have supported the prosecution version. She further contends that nine out of twenty one prosecution witnesses have already been examined and the trial will soon conclude. The petitioner is in custody since 7.10.2021, and there is no other case against him.
5. The submissions of learned counsel for the parties have been considered. Culpability of the petitioner is a matter of trial, which will take some time to conclude, as twelve prosecution witnesses still remain to be examined. At the same time, the material witnesses including the complainant and his son, have already been examined and there is no apprehension of the petitioner influencing the remaining witnesses, who are all officials. The petitioner is in custody since 7.10.2021 and has no criminal antecedents. Therefore, no useful purpose will be served by confining him to custody any longer.
7. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

12.5.2023
Ashwani

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