

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(209)

CRM-M-58423-2022

Date of decision:- 08.08.2023

Surender @ Pinku

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Amit Sharma, Advocate for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARPREET SINGH BRAR, J. (Oral)

1. Prayer in the present petition is made for grant of regular bail in case FIR No.0753 dated 24.09.2021 under Sections 304B, 498A, 506 of the Indian Penal Code, 1860 of Police Station Barwala, Hisar, Haryana.

2. Learned counsel for the petitioner inter alia contends that the investigation in this case is complete and the report under Section 173 of Cr.P.C. was filed on 04.01.2022. The material private witnesses including the complainant have already been examined on 02.08.2023.

3. The marriage between the petitioner and the deceased was solemnized on 13.12.2018 and there is no earlier instance of discord between the husband and wife. The complainant or the deceased wife have never approached the Competent Authority for taking legal action against the petitioner for demanding dowry. Even the final report under Section 173 CrPC would show that there are no specific instances of cruelty and harassment on account of dowry are made. The deceased has committed suicide and the petitioner and his relatives have been falsely roped in the present FIR.

6. Learned counsel for the petitioner further submits that even the cause of death has not been declared so far and the Pathology report is still

awaited. The petitioner is behind the bar since 08.10.2021 and there are 14 PWs out of which only 6 have been examined. As such, no useful purpose would be served by keeping the petitioner behind the bars for indefinite period.

5. On the contrary, learned State counsel has opposed the grant of bail on the ground of heinousness of crime i.e. murder of his wife and submitted the status report by way of affidavit of Gourav Sharma, Deputy Superintendent of Police, District Hisar. Learned State counsel has not disputed the factual position as noted above, that the complaint and the material witnesses have already been examined and petitioner has undergone incarceration for a period of 1 year 9 months and 28 days.

6. Without commenting upon the merits of the case, lest it may prejudice the outcome of the trial. Complainant has already been examined by the ld. Trial Court. This Court is inclined to allow the present petition.

7. Accordingly, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

August 08, 2023

spn

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No