

CRM-M-60783-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206

CRM-M-60783-2022

Date of Decision:-02.06.2023

Harish

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Namit Khurana, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G. Haryana.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 151 dated 19.04.2022 under Sections 302, 304-B and 201 of the Indian Penal Code, registered at Police Station Bilaspur, District Yamuna Nagar.
2. Learned counsel for the petitioner submits that all the material witnesses have been examined and this fact is not rebutted by the counsel for the State. He further submits that the present FIR was lodged against the petitioner and others on account of demise of his wife by raising suspicion that the deceased was rather strangulated for which subsequent to the burial of the deceased, the post mortem was again conducted and it was found that no ligature mark was there over her neck. He further submits that even as per the FSL report, no poison could be detected and hence, prays for grant of

CRM-M-60783-2022

concession of regular bail to the petitioner, who is in custody since 01.06.2022.

3. Per contra, learned State counsel vehemently opposes the bail and submits that there are serious allegations against the petitioner, who is husband of the deceased, however, could not deny the fact the all the material witnesses have been examined.

4. After hearing learned counsel for the parties and considering the fact that all the material witnesses have been examined and there is no risk that the evidence will be tampered with by the petitioner, coupled with the fact that the petitioner is in custody for last one year and the fact that the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody, therefore, the petitioner has made out a case for grant of concession of regular bail.

5. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

CRM-M-60783-2022

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

6. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

02.06.2023
parul

(ALOK JAIN)
JUDGE

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