

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-3785-2023 (O&M)

Date of Decision: 21.08.2023

PARDEEP KADIAN

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Paramjit Singh Sullar, Advocate
for the petitioner.

Mr. Ranbir Singh Arya, Addl. AG Haryana.

Mr. Sushil Sheoran, Advocate
for the complainant.

VIVEK PURI J. (Oral)

1. The petitioner is seeking regular bail in the case bearing FIR No. 299 dated 30.10.2019 under Sections 304-B and 34 of Indian Penal Code registered at Police Station Dadri City, District Charkhi Dadri.

2. Reply by way of affidavit of Ashok Kumar, HPS DSP/HQ, Charkhi Dadri along with custody certificate filed and the same is taken on record.

3. Learned counsel for the petitioner contends that marriage of the petitioner was solemnized with the deceased in the year 2013 and as per the allegations, the deceased was being harassed by the petitioner and his family members on account of demand of dowry. However, the family members of the petitioner have been found to be innocent during the investigation and the challan has been presented only against the petitioner. The deceased had committed suicide on 29.09.2019 by

hanging herself. Two minor children of the petitioner are presently residing with the parents of the petitioner, Still 06 prosecution witnesses remain to be examined and the petitioner is in custody for a period of 03 years 09 months and 13 days.

4. Learned State Counsel on instructions from SI Harinder submits that only 05 witnesses remain to be examined and next date of hearing in the trial Court is 20.10.2023. Learned counsel for the complainant has opposed the bail application of the petitioner on the score that there is material on record indicating that the offence under Section 302 IPC has been committed. It has been further submitted that the complainant had moved two separate applications under Section 216 of Cr.P.C. for addition of charge under Section 302 IPC and under Section 319 Cr.P.C. for summoning of additional accused. However, both the applications have been dismissed by the trial Court and revisions have been preferred against the said orders, which are pending in this Court and petitioner is intentionally delaying the disposal of those revisions.

5. It is significant to note that on 04.05.2023, it was submitted that out of 29 prosecution witnesses, 15 have been examined, 06 have been given up and 08 witnesses still remain to be examined. Then on 29.05.2023, it was submitted by learned State counsel that endeavour shall be made to examine the remaining witnessed in the trial Court on the next date of hearing or thereafter by getting short adjournments.

Even till date, 05 witnesses remain to be examined. The material witnesses have already been examined. The complainant and his

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brother have been examined and consequently, it cannot be said that the petitioner can in any manner win over or influence the material witnesses. The petitioner is in custody for a period of 03 years 09 months and 13 days. Furthermore, the conclusion of trial is likely to take some time. The petitioner is not involved in any other case. No useful purpose would be served by keeping the petitioner in further incarceration.

6. As such, sufficient mitigating circumstances are made out to grant the petitioner, concession of bail. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. The petition is allowed.

21.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

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