

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.858 of 2023

Date of decision: 26th February, 2024

Kamlesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. R.D. Yadav, Advocate for the petitioner.

Ms. Trishanjali Sharma, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.620 dated 29.11.2019 under Sections 306/34 of the IPC (Section 34 IPC deleted during investigation) registered at Police Station City Mahendergarh, District Mohindergar.

2. Learned counsel for the petitioner inter alia contends that the petitioner, who is a lady, has been in custody since 17.11.2022 in a case of false implication. While drawing the attention of this Court, which has been annexed as Annexure P-1, learned counsel has vehemently argued that a perusal of the same does not in any manner attract the mischief of an offence under Section 306 IPC. He has submitted that totally false allegations have been leveled therein that

the petitioner had been blackmailing the deceased through her husband by sending him obscene pictures. It has further been submitted that after charges were framed on 01.02.2023, the sole material witness i.e. the complainant stands examined along with 7 other prosecution witnesses. However, there is no likelihood of the trial concluding in the near future as 16 prosecution witnesses still remain to be examined. It has also been submitted that after examination of the complainant, an application under Section 319 Cr.P.C. has been moved by the prosecution for summoning of the husband of the petitioner as an additional accused, which is still pending consideration. Hence, this is also resulting in delay in the conclusion of the trial.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the status of the trial. It has also not been disputed that the sole material witness i.e. the complainant (brother of the deceased) stands examined. However, learned State counsel submits that while stepping into the witness box, the complainant had reiterated the allegations leveled against the petitioner that it was on account of humiliation heaped upon the deceased by the petitioner and her husband, he had ended his life.

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

5. The petitioner has now been in custody for one year and three months, having been arrested on 17.11.2022. The trial is unlikely to conclude in the near future. The sole material witness in the case in hand i.e. the complainant already stands examined, hence, there could be no possibility of the petitioner tampering with the evidence or trying to influence the prosecution witnesses. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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

February 26, 2024
rps

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