

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-2984-2024 (O&M)
Date of Decision:- 06.09.2024

GULAB @ JEET KUMAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Vikas Gulia, Advocate
for the petitioner.

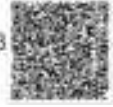
Mr. Ramender Singh Chauhan, AAG Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under
Section 439 CrPC for grant of regular bail to the petitioner in the following
case :-

FIR No.	Dated	Sections	Police Station
212	22.04.2023	308, 323, 506 IPC; (308 IPC deleted and 302 and 114 IPC added later on)	Kharkhoda, District Sonipat

2. It is, *inter alia*, contended by learned counsel for the petitioner
that the petitioner is innocent and has been falsely implicated in this case on
the allegation of having caused injury on the head of his sister-in-law

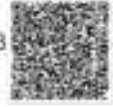


resulting in her death. He submits that during the course of trial, the complainant, who happens to be husband of the deceased as well as his daughter and son have been examined, and have not supported the case of the prosecution. He submits that out of 23 witnesses cited by the prosecution, 8 have been examined, including the aforesaid material witnesses, whose testimonies have been placed on record as Annexures P-3 to P-5. He further submits that co-accused Sakshi has already been granted the concession of bail vide order dated 04.01.2024 (Annexure P-6) and the petitioner is not having any criminal antecedents, thus prayed for grant of bail.

3. *Per contra*, learned State counsel while referring to the status report dated 29.04.2024 submitted by the State has not disputed the factual matrix and admitted the fact that the material witnesses, who happen to be husband, son and daughter of the deceased, have not lent any support to the case of the prosecution against the petitioner and out of 23 witnesses cited by the prosecution only 08 have been examined till date.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that instant case was registered on the complaint of one Rakesh son of Ram Swaroop stating that on 21.04.2023, when his wife and daughter were returning back from the fields, co-accused Sakshi abused them on the way and told that her father-in-law (present petitioner) would come to teach them a lesson. Thereafter, the petitioner came in front of their house and started abusing having a *lathi* in his hand. When the complainant along with



his family came out of the house, the petitioner gave *lathi* blow on the hands of the complainant and another blow on the head of his wife namely Madhu. The injured was shifted to the hospital, however, later on, the said Madhu expired.

6. After the completion of investigation, challan has already been presented in the Court. During the course of proceedings, the prosecution has examined the complainant as PW1, his daughter Soni/eye-witness as PW2 and son Sumit/eye-witness as PW3 vide Annexures P-3 to P-5 respectively. A perusal of their testimonies would reveal that none of them have lent any support to the case of the prosecution against the petitioner and have given a version that the deceased had sustained injuries on account of slipping on the floor. Admittedly, there is no other witness to the occurrence, and the petitioner is not having any criminal antecedents. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.



8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

06.09.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |