



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

229

CRM-M No.10246 of 2024
Date of Decision : 02.07.2024

KapilPetitioner

VERSUS

State of HaryanaRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Shivansh Malik, Advocate for the petitioner.
Mr. Jagdish Manchanda, Addl. AG Haryana.
Ms. Anupam Bhanot, Advocate for
Mr. Kartar Singh Malik, Advocate for the complainant.

ALKA SARIN, J. (Oral)

1. This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.78 dated 03.04.2023 under Sections 302 and 34 of the Indian Penal Code, 1860 [Sections 306 and 498-A IPC were added and Sections 302 and 34 IPC were deleted later on] registered at Police Station Lakhna Majra, District Rohtak. The first petition being CRM-M-31241-2023 was dismissed as withdrawn on 21.07.2023.
2. In the present case the complainant i.e. one Krishan Kumar has stated that his niece had got married to the petitioner in the year 2014. Thereafter, her niece had given birth to two children, who are aged 7 and 5 years old. It is further the allegation that his niece was being harassed for getting less dowry. On 02.04.2023 his niece is stated to have called him and had stated that she was being harassed by her mother-in-law, husband,

brother-in-law and sister-in-law regarding bangles. He told her that he would come the next day and resolve things. On the next day he received a call from the husband of his niece i.e. the present petitioner that his niece had suffered a heart-attack and that they were performing her last rites. The post-mortem of the deceased was conducted on 04.04.2023. Subsequently, on 07.04.2023, a supplementary statement was given by the complainant wherein there was a deviation from the allegations made in the FIR and it was alleged in the supplementary statement that he was informed by the petitioner that the deceased had consumed poison and when they reached the village they found her dead body lying on the floor.

3. Learned counsel for the petitioner would contend that the complainant had initially alleged that he had been informed that the deceased had suffered a heart-attack and in the same breath it was alleged that she had been murdered. However, in the supplementary statement it has been stated that the deceased had been administered poison. Learned counsel for the petitioner would further contend that as per the viscera report no poison was detected from the samples sent to the Regional Forensic Science Laboratory, Haryana, Sunaria, Rohtak. It is further the contention that 19 witnesses still remain to be examined and that the petitioner has already been in custody for a period of 01 year 02 months and 20 days and that he has clean antecedents.

4. Learned State counsel is not in a position to deny the fact that no poison has been detected in the viscera report. He has further stated that 19 witnesses are yet to be examined. Custody certificate dated 01.07.2024

has been filed as per which the petitioner has clean antecedents and has been in custody for a period of 01 year 02 months and 20 days.

5. Heard.

6. In the present case the petitioner has already been in custody for a period of 01 year 02 months and 20 days and 19 witnesses are yet to be examined.

7. In view of the above and without commenting upon the merits of the case and keeping in view the fact that the conclusion of trial is likely to take some time and no useful purpose would be served by keeping the petitioner behind bars, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

9. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

10. Disposed off. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

02.07.2024
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO