

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-11182-2024
Date of Decision : 28.05.2024

HABIB UR REHMAN ... PETITIONER

Versus

STATE OF HARYANA ... RESPONDENT

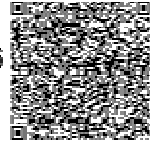
CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Gautam Dutt, Advocate
for the petitioner.

Mr. Raman Sharma, Addl.A.G., Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. On 07.03.2024, the following order was passed :
- “1. The petitioner through instant petition under Section 439 Cr.P.C., is seeking regular bail in FIR No. 0356 dated 02.11.2020 under Sections 304-B, 34 & 406 of IPC and Sections 120B & 302 (added later on) of the Indian Penal Code, 1860, registered at Police Station Khedki Daula Gurugram.*
- 2. Mr. Gautam Dutt, Advocate submits that petitioner has been implicated in FIR No. 0356 dated 02.11.2020 under Sections 304-B, 34 & 406 of IPC and Sections 120B & 302 (added later on) of the Indian Penal Code, 1860. The FIR was registered on the statement of father of the deceased. The deceased was wife of the petitioner. It was a love marriage. The family members of both sides had agreed to said*

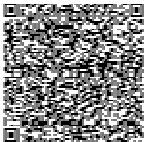


marriage. A child was born from this wedlock. The deceased had committed suicide whereas FIR has been registered under Sections 304-B, 34 & 406 of IPC read with Sections 120B & 302 alleging murder on the part of petitioner. The petitioner as well as his mother were arrested and at present mother of the petitioner is on regular bail. The prosecution has already examined all the witnesses, thus, petitioner at this stage, cannot influence the witnesses. He is ready to furnish surety in the form of bank guarantee of Rs.5 lakh apart from other conditions imposed by Trial Court. He is in custody since 02.11.2020.

3. Learned State counsel does not dispute the aforesaid factual position, however, submits that prosecution witnesses have already been examined, thus, it is not an appropriate stage to release the petitioner on bail.

4. Without commenting upon merits of the case and considering the fact that petitioner is in custody since 02.11.2020, his mother (co-accused) is on bail and prosecution has already examined its witnesses, this Court finds it appropriate to release him on interim bail for a period of 2 months. He shall lead his evidence during the said period and surrender before the Trial Court on or before 07.05.2024. The petitioner shall furnish bank guarantee of Rs.5 lakh apart from other conditions as imposed by Trial Court.

5. Adjourned to 28.05.2024.”



2. On 01.05.2024, the order further as below was passed:

“The applicant vide order dated 07.03.2024 was granted interim bail for two months to lead his evidence.

Mr. Gautam Dutt, Advocate submits that prosecution has not completed its evidence, thus, petitioner is unable to lead his evidence.

On being confronted, Mr. Raman Sharma, Addl. A.G., Haryana concedes that one witness is still to be examined and in any case, the said witness would be examined on 04.05.2024.

In view of the fact that prosecution has not completed its evidence, the interim bail is extended till 28.05.2024.

It is made clear that no further extension shall be granted.

The trial Court is also directed to complete examination of last witness on or before 10.05.2024.

Application stands disposed of.”

3. Mr.Gautam Dutt, Advocate submits that the petitioner would surrender on 05.06.2024.

4. In the wake of statement of Mr.Gautam Dutt, Advocate, the petition stands disposed of. The interim bail is extended till 04.06.2024.

5. It is made clear that if petitioner does surrender on 05.06.2024, it would be considered as contempt of Court.

28.05.2024
anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*