



Sr. No.234

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-14641-2024
Date of decision: 25th July 2024**

SATBIR SINGH @ SATTU**Petitioner**

versus

STATE OF HARYANA**Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ravinder Bangar, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Vinay Kumar Pandey, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.19 dated 17.01.2023, under Sections 302, 304-B, 34 IPC, 1860 (Sections 302 and 34 IPC deleted later on), registered at Police Station Cheeka, District Kaithal (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner is in custody since 27.01.2023. Out of total 24 prosecution witnesses, only 02 witnesses have been examined despite the fact that the charges have been framed on 08.05.2023. It is further contended that initially, the FIR was registered under Sections 302, 304-B IPC, however, later on, challan was presented only under Section 304-B IPC and the allegations regarding the offence alleged to have



been committed under Section 302 IPC were not substantiated during investigation.

3. Learned State counsel has filed status report dated 06.05.2024, by way of affidavit of Sh. Kuldeep Singh, HPS, Deputy Superintendent of Police, Guhla, on behalf of respondent-State of Haryana as well as custody certificate of the petitioner dated 24.07.2024, reflecting his period of custody as 01 year, 05 months and 28 days, which are taken on record.

4. Learned State counsel as well as learned counsel for the complainant contend that marriage of the sister of the complainant was solemnized with the petitioner on 17.05.2020. The petitioner and his family members were not happy on account of insufficient dowry and also on account of the fact that despite solemnization of the marriage about 2½ years ago, no child was born out of the wedlock. It is further contended that on 25.12.2022, the complainant had given a sum of Rs.50,000/- in cash to the mother of the petitioner. However, on the next day, the mother of the petitioner had told the prosecutrix that the said amount is not sufficient for purchasing even a motorcycle, how could they purchase a car.

5. Learned counsel for the complainant further submits that all the material witnesses, including the complainant, are yet to be examined.

6. I have considered the aforesaid contentions and perused the record.

7. Though the investigation is complete; challan/final report under Section 173 Cr.P.C. has been presented in the trial Court and the petitioner is in custody for the last 01 year, 05 months and 28 days; however, at this stage, the statements of material witnesses are yet to be recorded during trial and there is possibility of tampering with the prosecution evidence. As such, the petitioner is

not entitled to the concession of regular bail.



- 8. Consequently, the present petition stands dismissed.
- 9. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

25th July 2024
simran

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*