



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CRM-M No.15622 of 2024
Date of decision: 04.12.2024

Vikas

....Petitioner

Versus

State of Haryana

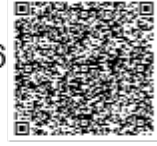
....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Aman Pal, Advocate for the petitioner.
Mr. Saurabh Mohunta, DAG, Haryana.

NAMIT KUMAR J. (Oral)

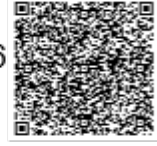
1. Prayer in this second petition filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in FIR No.05 dated 14.01.2021, registered under Sections 302 and 120-B IPC at Police Station Panipat Sadar, District Panipat.
2. As per prosecution case, the FIR was lodged at the instance of Sanjeet, brother of deceased Pooja, wherein it is alleged that marriage of his sister Pooja was solemnized with Vikas on 19.09.2019. However, Vikas and other members of his family were not satisfied with dowry and had been harassing complainant's sister so as to press upon their demands of a car and an amount of Rs.5 lakhs. It is alleged that on 12.3.2020, complainant's sister Pooja was beaten by her husband, father-in-law and brother-in-law in order to press upon their demands of dowry and thereafter, a Panchayat was convened, wherein the in-laws of Pooja tendered apology and also assured that they shall



not raise any demand in future. However, on 13.01.2021 the complainant's father received a telephonic call to the effect that an accident had occurred with Pooja in the fields. Upon hearing this, the complainant and others rushed to the hospital, where they came to know that Pooja had been murdered by her husband and other members of his family on account of demand of dowry.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in the present case. He further submits that present case is based upon circumstantial evidence and there is no eye-witness to the offence in question and no recovery is to be effected from the petitioner. He further submits that all important witnesses have already been examined. He further submits that the petitioner is in custody for the last 03 years, 10 months and 16 days. Learned counsel for the petitioner further submits that the investigation in the present case is complete, challan stands presented; charges have been framed and out of total 20 prosecution witnesses, only 12 PWs have been examined so far and the trial is likely to take considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind the bars.

4. Learned counsel for the petitioner further submits that the petitioner is not involved in any other case and the co-accused of the petitioner namely Anchal Sharma, has already been granted the concession of regular bail by this Court vide order dated 18.11.2022, passed in CRM-M No.28089 of 2021. He further submits that as per the



statement made by PW-2, PW-4 and P-5, it is a case of dowry death and despite the direction issued by this Court on 03.07.2024, for expediting the disposal of the application filed under Section 319 Cr.P.C., the trial is moving at a very slow pace.

5. Per contra, learned State Counsel, on the basis of the status report filed by way of affidavit of Satish Kumar, HPS, Deputy Superintendent of Police, City, Panipat, has opposed the prayer for grant of regular bail to the petitioner on the ground that the petitioner was having extra marital relations with co-accused Anchal and therefore, he conspired with her to eliminate his wife and stabbed her with a knife on the left side of her neck, therefore, he does not deserve the concession of regular bail. However, he could not refute that out of total 20 prosecution witnesses, only 12 PWs have been examined till date; the next date of hearing, fixed before the trial Court is 06.01.2025; the petitioner is in custody for the last 03 years, 10 months and 16 days and the trial may take a considerable time to conclude.

6. I have heard learned counsel for the parties and perused the record.

7. Without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last 03 years, 10 months and 16 days; investigation is complete; challan stands presented; charges have been framed and out of 20 PWs, only 12 PWs have been examined so far and the trial is likely to take considerable time to conclude, the present petition is allowed and the petitioner is



directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. However, in addition to conditions that may be imposed by the trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*

8. In case of breach of any of the aforesaid conditions and those which may be imposed by the trial Court, the prosecution shall be at liberty to move an application for cancellation of bail of the petitioner.

(NAMIT KUMAR)
JUDGE

04.12.2024

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No