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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-18924-2024 (O&M)****Date of Decision : 12.08.2024**

Ram Roop

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Pankaj Kaushik, Advocate for the petitioner.

Mr. Pankaj Midha, Addl. AG Haryana.

ALKA SARIN, J. (Oral)

1. This is a second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.209 dated 28.04.2022 under Sections 323, 306, 34 of the Indian Penal Code, 1860, registered at Police Station Beri District Jhajjar. The first petition being CRM-M-11789-2023 was dismissed as withdrawn vide order 11.09.2023.

2. As per the allegations in the FIR, the deceased was married to the petitioner about 24 years back and that from the very beginning her husband, father-in-law, mother-in-law and brother-in-law had been torturing the sister of the complainant and also quarrelled with his sister and due to the said reason the deceased and her son were residing with the complainant for many years and they were not given any house or land for their

residence. It was further the allegation that about 8 months ago, his sister and his nephew had gone back to the matrimonial house, however, she was harassed again and in the evening he got a call from his nephew that the deceased was harassed by the petitioner, mother-in-law, father-in-law and uncle. Thereafter, he received another call from his nephew who stated that his mother had hung herself.

3. Learned counsel for the petitioner would contend that the petitioner and the deceased had been married for a period of 24 years and that the petitioner has falsely been implicated in the present case. It is further the contention of the learned counsel that out of 20 witnesses, only 01 witness has been examined till date and that the petitioner has been in custody for a period of 02 years 03 months and 10 days. The learned counsel would further contend that the father-in-law and brother-in-law were declared innocent and the mother-in-law has been granted the concession of regular bail by this Court vide order dated 16.01.2023 passed in CRM-M-42756-2022.

4. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 02 years 03 months and 10 days and that there is no other case pending against him. The learned counsel would contend that there are serious allegations against the petitioner and that he is the main accused in the present case. The learned State counsel is not in a position to deny that out of 20 witnesses, only 01 witness has partly been examined till date. The learned State counsel is also not in a position to deny that two of the co-accused i.e. father-in-law and brother-in-law have since been declared

innocent and one co-accused i.e. mother-in-law has since been granted the concession of regular bail by this Court vide order dated 16.01.2023 passed in CRM-M-42756-2022.

5. Heard.

6. In the present case, since 2022 out of 20 witnesses only 01 witness has partly been examined. As per the custody certificate the petitioner has been in custody for a period of 02 years 03 months and 10 days and there is no other case pending against him. Two of the co-accused i.e. father-in-law and brother-in-law have since been declared innocent and one co-accused i.e. mother-in-law has since been granted the concession of regular bail by this Court vide order dated 16.01.2023 passed in CRM-M-42756-2022. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

7. In view of the above and without commenting upon the merits of the case, this Court deems 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 bonds/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.

12.08.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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