

**102+201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2024.PHHC.110838



**CRM-M-35262-2023 (O&M)
Date of Decision: 28.08.2024**

MANEER KHAN ALIAS MANIR KHAN

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Arvinder Arora, Advocate
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

Mr. Abdul Aziz, Advocate
for the complainant.

TRIBHUVAN DAHIYA, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the petitioner in FIR No. 214, dated 15.05.2022, under Sections 304-B and 34 IPC, registered at Police Station Naraingarh, District Ambala.

2. As per the prosecution case, marriage between the deceased and the petitioner was solemnized on 20.02.2021, and the former died on 14.05.2022. There are allegations of demand of dowry, cruelty and harassment against the petitioner. It has also been alleged that prior to the date of death, there was a telephonic conversation between the complainant (father of the deceased) and the deceased wherein she informed about the beatings given to her in connection with demand of dowry by the petitioner as well as his mother.



3. Learned counsel for the petitioner contends that the petitioner is in custody since 15.05.2022, and no witness has been examined by the prosecution. The case has been adjourned to 20.11.2024, to consider the application moved by the complainant under Section 319 Cr.P.C. to summon the petitioner's mother as an additional accused. Trial is not progressing, and the petitioner remains confined to custody only on that account.

4. Learned State counsel, assisted by counsel for the complainant, does not dispute that the petitioner is in custody since 15.05.2022, and out of fourteen witnesses only two have been examined partly as they are yet to be cross-examined. The application under Section 319 Cr.P.C. will be decided on the next date and trial will be concluded soon. He has also referred to 'Histopathology and Chemical analysis Report' to the effect that cause of death is 'manual throttling', besides stating that the deceased was six months' pregnant at the time of death.

5. Submissions made by learned counsel for the parties have been considered.

6. The petitioner is in custody for over two years and three months, and trial of the case is not progressing as only two out of fourteen witnesses have been examined-in-chief so far. The next date of hearing before the trial Court is 20.11.2024, to consider the application under Section 319 Cr.P.C. Accordingly, conclusion of the trial will take some time, and no useful purpose will be served by confining the petitioner in the custody any longer. There is no apprehension of his



threatening the witnesses or tampering with the evidence.

7. Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail subject to the satisfaction of the trial Court/Duty Magistrate concerned.

8. Pending miscellaneous application(s), if any, shall stand(s) disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
JUDGE

28.08.2024

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