



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

224 CRM-M-39222-2024 (O&M)
Date of Decision : 09.12.2024

NIZAM Petitioner

VERSUS

STATE OF HARYANA Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Prerak Sheoran, Advocate for the petitioner.
Mr. Pankaj Middha, Addl. AG Haryana for the respondent.

ALKA SARIN, J. (ORAL)

1. The present 3rd petition has been filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No.310 dated 04.06.2022 under Sections 498-A, 304-B, 34 of the Indian Penal Code, 1860 registered at Police Station Sadar Nuh. The first two bail petitions being CRM-M-54241-2022 and CRM-M-29539-2024 were dismissed as withdrawn vide orders dated 17.11.2023 and 04.07.2024 respectively.
2. Learned counsel for the petitioner would contend that the petitioner has been in custody for a period of 2 years 5 months and 19 days and that out of 15 prosecution witnesses, only 4 have been examined. Learned counsel would further contend that the complainant has been examined and cross-examined and that the petitioner is the husband of the

deceased. It is further the contention that the petitioner was in Kerala at the time when the alleged incident took place, which fact is also mentioned in the status report filed by way of an affidavit dated 10.09.2024 of Ajaib Singh, HPS, Deputy Superintendent of Police, Headquarters Nuh. It is yet further the contention that all the other family members, against whom allegations were also made, were found innocent and that now an application under Section 319 Criminal Procedure Code, 1973 is pending and hence the trial is likely to take some time to conclude.

3. *Per contra*, learned counsel for the State is not in a position to deny the fact that out of 15 prosecution witnesses only 4 have been examined and that an application under Section 319 Criminal Procedure Code, 1973 is pending. It is the contention of the learned counsel for the State that due to the pendency of the application under Section 319 Criminal Procedure Code, 1973, the remaining prosecution witnesses are not being examined. Learned counsel for the State is also not in a position to deny the fact that the petitioner, as per his tower location, was in Kerala at the time of the incident. 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 2 years 5 months and 19 days. It is further the contention that there is one more case registered and pending against the petitioner.

4. Heard.

5. In the present case the petitioner has been in custody for a period of 2 years 5 months and 19 days. Out of 15 prosecution witnesses only 4 have been examined so far. Complainant has been examined and

cross-examined. Application under Section 319 Criminal Procedure Code, 1973 is pending consideration. Hence, 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.

6. 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, if not required in any other case, subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. 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.

8. 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.

9. Disposed off. Pending applications, if any, also stand disposed off.

09.12.2024
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No