

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208

CRM-M-61250-2023

Date of Decision: 22.03.2024

Mohan Singh

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Naveen S. Attri, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 06 dated 07.01.2022 (Annexure P-1) registered under Section 304-B read with Section 34 IPC at Police Station Saha, District Ambala.

The aforesaid FIR was registered on the basis of statement of the father of the deceased, wherein bald allegations of demand of dowry have been made against the petitioner and his co-accused.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner is the father-in-law of the deceased. Marriage of the deceased with the son of the petitioner was solemnized on 18.05.2020. No child was born out of the said wedlock. The cause of death in the instant case is hanging. The occurrence took place on 06.01.2022. The only allegation raised against the petitioner is that he had demanded

dowry from the deceased and her family. Co-accused of the petitioner, namely, Rajesh i.e. his wife/mother-in-law of the deceased had already been enlarged on bail vide order dated 13.09.2023 (Annexure P-3) passed by a co-ordinate Bench of this Court in CRM-M-39559-2023. The petitioner has been in custody since 09.01.2022. Till date no witness has been examined, therefore, conclusion of trial will take considerable time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner be released on regular bail.

Learned counsel for the State has filed custody certificate dated 20.03.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 02 years, 02 months and 11 days. As per custody certificate, there is no other case against the petitioner.

On instructions from ASI Sandeep, learned counsel for the State informs that out of total 16 prosecution witnesses, none has been examined so far, and charges were framed by the learned trial Court on 24.05.2023. He further informs that the next date of hearing before the trial Court is 22.04.2024.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case including the custody period undergone by the petitioner and the fact that the custody certificate reveals that there is no other case against the petitioner; and also the fact that although charges were framed as far back as on 24.05.2023, but till date no witness has been examined, therefore, its conclusion will take considerable time and no useful purpose would be served by further

detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner-Mohan Singh S/o Babu Ram, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

Report from the trial Court concerned be also called as to why till date no witness has been examined, despite the fact that charges have been framed in the matter on 24.05.2023.

The trial Court shall send compliance report within a period of 04 weeks from today.

Registry is directed to put up the matter again after the receipt of report from the trial Court.

22.03.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No