

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

229

CRM-M-63478-2023 (O&M)
Date of Decision:- 22.04.2024

RAJESH

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Mohit, Advocate for the petitioner.
Mr. Surender Singh, AAG Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
538	08.09.2022	302 and 34 IPC (Section 34 IPC deleted later on)	Industrial Sector 29 Panipat, District Panipat

2. In nutshell, the case of the prosecution is that the wife of the petitioner was found dead in her matrimonial house and upon a complaint being moved by the mother of the deceased namely Parvesh, the instant FIR was registered against the petitioner. In her complaint, the complainant alleged that her daughter (deceased) was married to the petitioner on 07.07.2014 and soon after the marriage, the petitioner and his family

members started harassing her daughter on account of demand of dowry. It was alleged that she was even turned out of her matrimonial house about 5 months back and was allowed to enter the house about 1 month back, but the maltreatment continued. On the basis of this complaint, the instant FIR was registered and the petitioner was arrested in this case on 17.09.2022.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case on the basis of conjectures and surmises. He contends that the petitioner is in custody since 17.09.2022 and during the course of trial, none of the material witnesses, including the complainant, have lent any support to the case of the prosecution and in fact turned hostile. He submits that the conclusion of trial will take sufficient long time and only the official witnesses remain to be examined. He thus prayed for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel has opposed the present petition and stated that the petitioner had committed murder of his wife, as such, he is not entitled to any leniency. However, while referring to the status report submitted by the State, he has admitted that out of 17 witnesses cited by the prosecution, only 5 witnesses including the complainant/PW2-Parvesh, PW1-Vishnu Dutt, PW3-Vijay Kumar, PW4-Anil Kumar and PW5-Shiv Dutta have been examined, who have not supported the case of the prosecution and only the official witnesses remain to be examined.

5. Heard.

6. After considering the respective submissions and perusing the record, it transpires that as admitted by learned State counsel, the material

witnesses of the case have since been examined and have turned hostile, which included the complainant/PW2-Parvesh, who happens to be the mother of the deceased. As many as 5 witnesses have been examined, who could have linked the petitioner with the commission of alleged crime, but none of them have lent any support to the case of prosecution. Admittedly, only the official witnesses remain to be examined. The petitioner being in custody since 17.09.2022, cannot be left to languish in jail any more till the conclusion of trial, which may take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

7. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

22.04.2024

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No