



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-64566-2023 (O&M)
Date of decision : 27.08.2024

Hanuman Singh ... Petitioner

Versus

State of Haryana ...Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Pratham Sethi, Advocate and
Mr. Kanishk Swaroop, Advocate for the petitioner.

Mr. Pankaj Middha, Addl. AG Haryana for the respondent.

Mr. Vipul Joshi, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.426 dated 27.08.2022 under Sections 304-B and 377 read with Section 34 of the Indian Penal Code, 1860 registered at Police Station Rania, District Sirsa, Haryana (charges have been framed under Sections 304-B, 34, 302 and 377 of IPC).
2. The first petition being CRM-M-21997-2023 filed by the petitioner was dismissed as withdrawn vide order dated 27.07.2023.
3. Learned counsel for the petitioner would contend that neither in the FIR/challan nor in the statement of the complainant recorded before the

Trial Court, any specific role has been attributed to the petitioner herein. The specific allegations in the FIR as well as in the statement recorded before the Trial Court have been attributed only to the husband of the deceased. Learned counsel would further contend that the petitioner herein is the father-in-law and that the brother-in-law against whom same general allegations were made has since been granted the concession of regular bail by a co-ordinate Bench of this Court vide order dated 12.04.2023 passed in CRM-M-9020-2023. Learned counsel would further contend that though the challan was presented in the Court on 21.04.2022 and charges were framed on 03.01.2023, till date out of 32 prosecution witnesses only 01 witness i.e. the complainant has been examined.

4. *Per contra*, learned counsel for the complainant would contend that in the present case alternate charge under Section 302 IPC has also been framed. It is further the contention that the conduct of the petitioner is not above board as after the death of the sister of the complainant the family started to compel the complainant to cremate the body of the deceased without a post-mortem examination. He further contends that the mother-in-law had sought bail on the basis of forged medical documents and proceedings under Section 340 CrPC have been initiated against her.

5. Learned State counsel has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 01 years 11 months and 15 days and there is no other case pending against him. Learned counsel for the State has referred to the status report to contend that the deceased had four injuries on her body. However, he is not in a position to deny the fact that out of 32 witnesses only 01 has been examined till date

and that there is no specific role which has been attributed to the petitioner herein.

6. Heard.

7. In the present case, prima facie, no specific role has been attributed to the petitioner herein and only general allegations have been made against the family. One of the accused i.e. brother-in-law of the deceased, against whom similar allegations were made, has since been granted regular bail by a co-ordinate Bench of this Court vide order dated 12.04.2023 passed in CRM-M-9020-2023. Neither the counsel for the complainant nor the counsel for the State have been able to point out any specific role or injury which is attributed to the petitioner herein except for the general allegations which have been made in the FIR as well as in the statement of the complainant recorded before the Trial Court. Out of 32 prosecution witnesses only 01 has been examined till date. The petitioner has been in custody for a period of 01 year 11 months and 15 days. 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.

8. In view of the above and without commenting upon the merits of the case and keeping in view the fact that the conclusion of trial is likely to take some time and no useful purpose would be served by keeping the petitioner behind bars, I deem 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 and surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

9. 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.

10. 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.

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

27.08.2024
Ankur

(ALKA SARIN)
JUDGE

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