

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

**Criminal Misc. No. M-21446 of 2015
Date of Decision: 11.8.2015**

Kuldeep

--Petitioner.

Vs.

State of Haryana

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. D.S.Bali, Sr. Advocate with
Mr. Parveen Jain, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 286 dated 18.9.2014 under Sections 304-B IPC, registered at Police Station Sadar Narwana, District Jind.

Notice to the Advocate General, Haryana.

On the asking of the Court, Mr Ashish Yadav, Additional A.G. Haryana, accepts notice.

Learned senior counsel for the petitioner refers to the statement suffered by Sh. Randhir Singh-father of the deceased namely Meera (Annexure P-1), to the effect that he has satisfied himself from the residents of village of the petitioner, i.e. Dohana Khera, that his daughter has committed suicide because of depression. He further submits that thereafter, the present FIR was lodged by brother of the deceased and that too, after a delay of four days. He also submits that other family members of the petitioner

have also been sought to be implicated. Although father of the petitioner was declared innocent, yet, now an application under Section 319 Cr.P.C., has been moved for summoning him as an additional accused. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that as per the allegations levelled in the FIR, father of the deceased was forced by the family members of the petitioner to put his thumb impression on blank papers. He further submits that since the trial is going on and there is no delay in it as such, petitioner is not entitled of the concession of bail pending trial, at this stage. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, petitioner has been found entitled for the concession of bail pending trial. It is so said, because father of the deceased himself made a statement before the police on the day of occurrence, i.e. 14.9.2014 that he does not want to take any action against any of the accused, because his daughter has committed suicide due to depression. The FIR came to be registered by the brother of the deceased and that too, after a period of four days of the occurrence. In such a situation, it will be a moot point before the learned trial court as to whether Sh. Randhir Singh was forced to put his thumb impression on blank papers and that too, after recording of his statement before the police (Annexure P-1).

In view of the above and without commenting anything further on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

11.8.2015
Ak Sharma