

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

**CRM-M-23398 of 2015
Date of Decision:24.7.2015**

Malkiat Singh

--Petitioner.

Vs.

State of Haryana

--Respondents.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. V.K.Jindal, Sr. Advocate with
Mr. Amardeep Sheoran, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 706 dated 31.12.2014 under Sections 306/120B/34 IPC, registered at Police Station Assandh, Karnal.

Notice of motion.

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

Learned senior counsel for the petitioner refers to the allegations in the FIR at page 8 of the paper book, to contend that had the alleged maltreatment with the deceased-wife namely Smt. Rajdeep Kaur started way back in the year 2007, the complainant would have not kept silent for a long period of six years. He also

refers to the ex parte decree of divorce dated 20.2.2008 (Annexure P-2) in favour of the deceased-wife of the petitioner. He concluded by submitting that allegations levelled against the petitioner are factually incorrect and do not appeal reason. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Subhash Chand, submits that an unnatural death took place in the house of the petitioner. He further submits that it seems that in spite of an ex party divorce, husband and wife again started living together. He prays for dismissal of the present petition contending that since petitioner is the main accused, he is not entitled for the concession of bail pending trial.

Having heard the learned counsel for the parties, 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 in the given fact situation of the present case, petitioner has been found entitled for the concession of bail pending trial. It is so said, because learned senior counsel for the petitioner has been found well justified in contending that, there was no explanation on behalf of the complainant for a long period of about six years after 2007. Had the petitioner and his other co-accused treated the daughter of the complainant with cruelty, some sort of complaint would have been made against the accused. There are two children out of the wedlock and both are living with the petitioner. Further, since the prosecution evidence is yet to start, conclusion of the trial will take some time.

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.

(RAMESHWAR SINGH MALIK)
JUDGE

24.7.2015
AK Sharma