

Crl. Misc. No.M-15220 of 2016

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

Crl. Misc. No.M-15220 of 2016

Date of Decision: 30.05.2016

Ashwani Malhotra

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Sanjay Verma, Advocate
for the petitioner.

Mr. B.S. Virk, D.A.G., Haryana
for the respondent-State.

Mr. Mandeep Kumar, Advocate
and Mr. Rohit Malik, Advocate
for the complainant.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.182 dated 18.03.2016 registered under Sections 306, 498-A/34 IPC at Police Station Sector 10-A, Gurgaon.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, no offence is made out against him. He further submits that husband of the deceased has

surrendered before the trial Court and the present petitioner is behind bars since 15.04.2016. The marriage of deceased and son of the petitioner was solemnized in the year, 2005 and no complaint was there against the petitioner at any point of time. There is no abetment on the part of the petitioner to compel the deceased to commit suicide. Petitioner is an old person of 71 years of age and nothing is to be recovered from him. Challan has already been presented. Trial may take long time to conclude. Main accused i.e husband of the deceased is behind the bars.

Learned counsel for the respondent-State has not disputed the custody period and that husband of the deceased is behind the bars and also the stage of trial.

In view of the submissions made by learned counsel for the petitioner and also the fact that the challan has been presented; main accused has surrendered before the trial Court and is behind the bars, petitioner is in custody since 15.04.2016; trial may take long time to conclude and the allegations levelled in the FIR are matter of evidence which can be seen during trial, this petition is allowed and the petitioner, namely, Ashwani Malhotra is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

30.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE