

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

CRM-M No.19699 of 2016 (O&M)

Date of decision: October 18, 2016

Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Ms. Harpreet Kaur, DAG, Haryana
for the respondent-State.

Mr. Gaurav Rana, Advocate
for the complainant.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Section 438 of the Code of Criminal Procedure, petitioner has sought pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.273 dated 16.09.2015, under Section 306 IPC, registered at Police Station Hathin, Palwal, District Palwal.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated with an oblique motive to harass him. The allegations levelled against the petitioner are false and frivolous. He has been implicated in order to tarnish his social image in the society. Moreover, after registration of the FIR, a compromise had also been effected between the parties and the matter was settled amicably which fact is evident from compromise deed dated 23rd October, 2015 (Anneuxre P-1), on the basis of which a petition viz. *Criminal Miscellaneous No.M-37381 of*

2015 was filed by the petitioner before this Court in which notice of motion has been issued and the matter is pending adjudication. Learned counsel for the petitioner further submits that petitioner is ready to join the investigation and shall abide by all the terms and conditions imposed upon him in case he is released on bail.

Learned State counsel has opposed the petition by submitting that petitioner had illicit relations with wife of complainant's brother due to which brother of complainant committed suicide.

This Court has given an anxious thought to the rival submissions made by learned counsel for the parties and perused the record.

The instant case has been registered on the basis of statement of complainant-Rajesh Kumar who alleged that his elder brother Ashok was residing in Village Jita Khedli with his family comprising of his wife Kavita and two children. On 12th September, 2015, Ashok told the complainant that his wife Kavita is having illicit relationship with petitioner Sonu and he himself seen them with his own eyes. On 14th September, 2015 complainant, went to take his brother and sister-in-law Kavita to Village Jita Khedli where petitioner-Sonu asked him that Kavita will live with him on which his brother felt insulted. On 15th September, 2015, brother of complainant had gone to Village Jita Khedli to bring his petty items where Sonu insulted him due to which his brother committed suicide by administering some poisonous substances. There are specific allegations against the petitioner that he was having illicit relations with Kavita. Moreover, Ashok (deceased) himself had also seen them and told this fact to the complainant. In this backdrop of facts and humiliation and harassment caused on the part of

petitioner, Ashok had to commit suicide.

Keeping in view the facts and circumstances of the case, nature of the allegations levelled against the petitioner and seriousness of the offence, this Court does not find it a fit case to exercise the power envisaged under Section 438 of Cr.P.C.

Dismissed.

October 18, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No