

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

Crl. Misc. No.M-24609 of 2016

Date of decision : 04.11.2016

Dharmender

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. J.S. Ghumman, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking regular bail in FIR No.564 dated 29.12.2015, registered under Sections 328, 306, 34 IPC (Section 302 IPC added subsequently), Police Station Pataudi, District Gurgaon.

Counsel for the petitioner contends that the petitioner is in custody since 07.01.2016 and only four witnesses have been examined and no suicide note was left and the marriage had taken place in 2007 while the incident has taken place in 2015 and the children are with the father.

The State counsel says that there were injuries.

Counsel for the petitioner has referred to the opinion of the doctor and has urged that the injury was on the surface of the right arm and on the back of the right thigh and the doctor had reported that it was not suggestive of any resistance.

The allegations are that the accused had mercilessly beaten Kavita on 28.12.2015, however, Kavita managed to escape from the house and was on the way to her parental house and she called the complainant and narrated the incident. However, she was forcibly sent back to her matrimonial home and the same night she had died.

Counsel for the petitioner had contended that call was made at about 3:12 P.M. and the story projected by the prosecution is doubtful.

The trial is taking time. Only four witnesses have been examined. Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate.

04.11.2016
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No