

Sr. No. 219

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

**CRM No. M- 3081 of 2016
Date of Decision: 03.02.2016**

Surender Pal

...Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Rakesh Gupta, Advocate,
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.219 dated 20.07.2015 under Sections 302 read with Section 34 IPC, registered at Police Station Butana, District Karnal.

Counsel for the petitioner, at the very outset, clarifies that even though FIR had initially been registered under Section 302 read with Section 34 IPC but after completion of investigation challan has been presented under Section 306 IPC. This fact stands conceded even by learned State counsel.

Deceased in the present case is Sunita i.e. wife of the present petitioner. FIR came to be registered on the statement of

Miya Singh i.e. father of the deceased. As per complainant, marriage between Sunita (since deceased) and the accused/present petitioner had taken place 14 years back and out of wedlock, three children were born. Complainant had alleged that his daughter had been harassed by her husband and who had even resorted to giving beatings to her and on account of which many Panchayats had been convened. Complainant had further alleged that about 1 ½ months prior to the registration of the FIR, petitioner had also threatened to kill his wife. On 20.07.2015, complainant is stated to have received information that his daughter had died by way of burning. Against such allegations, the FIR had been registered under Section 302 IPC.

Petitioner was arrested on 22.07.2015. Investigation having been completed, challan was presented under Section 306 IPC.

Counsel for the petitioner has adverted to the deposition of the complainant i.e. Miya Singh recorded before the trial Court as PW-2 in which he has categorically stated that he had never submitted any complaint with regard to harassment of his daughter during 14 years of subsistence of the marriage. Complainant has also failed to give out any details with regard to convening of the Panchayats as had been alleged in the initial statement leading to the registration of the FIR. Complainant further in his deposition before the trial Court has stated that he had not filed any complaint before the appropriate authorities as regards the alleged threat having been given by the present petitioner to kill his daughter.

It has also gone uncontroverted during the course of hearing that three children born out of wedlock are in the custody of the paternal grandparents.

Learned State counsel on instructions from ASI Rishi Parkash would apprise the Court that out of 13 prosecution witnesses cited, 6 have been examined till date.

The trial as such would take some time to conclude.

In view of the observations recorded above, petitioner is held entitled to the benefit of bail. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Karnal.

It is, however, made clear that observations contained in this order are confined as regards considering the prayer of the petitioner for grant of bail and would have no bearing on the merits of the case.

Disposed of.

03.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**