

Criminal Misc. M- No. 16381 of 2017 (O&M)

Date of decision : May 15, 2017

Pardeep Kumar

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. S.S. Dinarpur, Advocate and
Mr. Apoorv Sangwan, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 357 dated 03.10.2016 registered under Sections 306, 34 IPC at Police Station Farakpur, District Yamuna Nagar.

It is submitted that a bare perusal of the FIR reveals that no offence punishable under Section 306 IPC is made out against the petitioner. The petitioner and the deceased were married in February, 2009. Two children were born out of this wedlock. FIR No. 114 dated 09.05.2015 under Section 498A IPC and Sections 3 and 4 of The Dowry Prohibition Act was registered against the petitioner in the State of Uttar Pradesh because he had allegedly not returned the loan of ₹5 lakhs advanced to him at the time of his sister's marriage. It is submitted that the petitioner's father was deeply affected and he passed away after registration of this FIR. The

matter was then amicably settled between the parties. The deceased alongwith her children was living at her matrimonial home. The medical evidence on record falsifies the allegation that the deceased was subjected to any physical abuse. The ingredients of the offence punishable under Section 306 IPC are not present in this case. Final report under Section 173 Cr.P.C., it is submitted, has been presented. The petitioner is in custody since 04.10.2016. It is, thus, prayed that this petitioner be allowed.

Learned counsel for the State, on instructions, from ASI Jasbir Singh, verifies that as per the medical evidence, no injury was found on the person of the deceased. Death is due to hanging. It is affirmed that final report under Section 173 Cr.P.C. has since been presented. Charge against the petitioner as well as the co-accused has been framed. No recovery is to be effected from the petitioner. The petitioner is not involved in any other case.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. The trial, in this case, is not likely to conclude in the near future. No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

May 15, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No